

MONDAY, FEBRUARY 10, 1997

FIFTH LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Wayne Lankford, East Main Church of Christ, Murfreesboro, Tennessee.

Representative Hood led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 99

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 362: Rep(s). Tidwell as prime sponsor(s).

House Bill No. 444: Rep(s). Davis and Roach as prime sponsor(s).

House Bill No. 640: Rep(s). Williams, White, Sands as prime sponsor(s).

MONDAY, FEBRUARY 10, 1997 -- FIFTH LEGISLATIVE DAY

ENROLLED BILLS

February 7, 1997

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 12, 13, 14, 15, 26 and 27.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

February 7, 1997

The Speaker signed the following: House Joint Resolution(s) No(s). 12, 13, 14, 15, 26 and 27.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENROLLED BILLS

February 7, 1997

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 5, 6, 9 and 28; also, House Resolution(s) No(s). 8, 9 and 10.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

February 7, 1997

The Speaker signed the following: House Joint Resolution(s) No(s). 5, 6, 9 and 28; also, House Resolution(s) No(s). 8, 9 and 10.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR

February 7, 1997

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 21, with his approval.

Courtney Pearre, Counsel to the Governor.

MESSAGE FROM THE SENATE

February 10, 1997

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 254; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Bill No. 254 -- Dayton - Revises charter relative to elections of council members and composition of city school board. Amends Chapter 46 of the Private Acts of 1953. by *Elsea.

MONDAY, FEBRUARY 10, 1997 -- FIFTH LEGISLATIVE DAY

MESSAGE FROM THE SENATE

February 10, 1997

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 47; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 47 -- General Assembly, Joint Conventions - Calls joint convention on Wednesday, February 12, 1997, for purpose of honoring Charles W. Burson, Attorney General of State of Tennessee. by *Cohen.

MESSAGE FROM THE SENATE

February 10, 1997

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1 and 8; both passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 1** -- Statutes - Codifies public acts of 1996. by *Wilder, *Person.

***Senate Bill No. 8** -- Election Laws - Grants officer of elections discretion to move physically disabled voter to front of line at polling place Amends TCA Section 2-7-116. by *Henry, *Miller J, *Harper.

MESSAGE FROM THE SENATE

February 10, 1997

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 5, 6, 9, 12, 13, 14, 15, 26, 27 and 28; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENGROSSED BILLS

February 10, 1997

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 34, 35 and 36.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

REPORT OF CHIEF ENGROSSING CLERK

February 10, 1997

The following bill(s) have been transmitted to the Governor for his action: House Joint Resolution(s) No(s). 5, 6, 9, 12, 13, 14, 15, 26, 27 and 28.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

***House Resolution No. 13** -- General Assembly, Studies - Continues special committee created by HR 68 of 99th General Assembly to study issues related to driver licenses. by *Robinson.

Transportation Committee

***House Joint Resolution No. 37** -- General Assembly, Studies - Continues special joint committee to study community investment ratings and practices of financial institutions designated as state depositories. by *Brown.

Finance, Ways and Means Committee

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for February 12, 1997:

House Resolution No. 12 -- Memorials, Death - Belinda Matthews. by *Sands, *White.

House Resolution No. 14 -- Memorials, Sports - 1996 Melrose High School football team, TSSAA Class AAA state champions. by *Brooks, *Kernell.

House Resolution No. 15 -- Memorials, Retirement - Warden Jimmy Harrison. by *Fitzhugh.

House Joint Resolution No. 38 -- Memorials, Death - James W. Garrison. by *Robinson.

House Joint Resolution No. 39 -- Memorials, Professional Achievement - WKSR Radio Station, 50th anniversary. by *Fowlkes.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 537 -- Civil Service - Establishes right of reassignment for career service employees who become part of executive service. Amends TCA Section 8-30-208. by *Hargrove, *DeBerry L, *Rinks, *Williams (Williamson), *Kisber, *Pruitt, *Armstrong, *Arriola, *McDonald, *Ridgeway, *Chumney, *Bowers, *Buck, *Brooks, *Jones U (Shelby), *Newton, *Sharp.

MONDAY, FEBRUARY 10, 1997 -- FIFTH LEGISLATIVE DAY

House Bill No. 538 -- Employees, Employers - Prohibits employers from requiring employees to make up cash shortages unless such shortages result from theft, fraud, or gross negligence on part of employee. Amends TCA Title 50, Chapter 1, Part 3. by *Eckles.

House Bill No. 539 -- Welfare - Requires personal responsibility plan of recipient of temporary assistance who owes child support to require recipient to pay, from funds earned over and above amount person would have received in grant payment, reasonable amount determined by department to reduce child support obligations. Amends TCA Title 71, Chapter 3, Part 1. by *Eckles.

***House Bill No. 540** -- Pharmacy - Permits pharmacist to share in savings when documented suggestions produce savings pursuant to plan approved by commissioner of commerce and insurance and the board of pharmacy Amends TCA Title 56; Title 63 and Title 68. by *Eckles.

***House Bill No. 541** -- Pharmacy - Requires that at least one pharmacist participating in TennCare program be appointed to board of pharmacy. Amends TCA Title 47; Title 56; Title 63 and Title 71. by *Eckles.

***House Bill No. 542** -- Veterinarians - Authorizes board of veterinary medical examiners to establish certification process for animal control agencies and animal euthanasia technicians to permit certified agencies to apply to DEA for licenses to allow direct purchase of veterinary euthanasia drugs. Amends TCA Section 44-17-303 and Title 63, Chapter 12. by *Eckles.

***House Bill No. 543** -- Highway Signs - "Blue Star Memorial Highway," certain segment of S.R. 14, Shelby County. Amends TCA Title 54, Chapter 5, Part 10. by *Haley, *Pleasant.

House Bill No. 544 -- Motor Vehicles, Titling and Registration - Increases the number of plates for discontinuance threshold from 500 to 600 by 1/1/2000 for Olympic license plates. Amends TCA Section 55-4-315. by *Newton.

House Bill No. 545 -- Naming and Designating - "Who We Are," by Margaret Britton Vaughn, as official poem of Tennessee Bicentennial. Amends TCA Title 4, Chapter 1, Part 3. by *Fowlkes, *Phillips.

***House Bill No. 546** -- Highway Patrol - Revises duties of highway patrol to include conserve the peace, prevent crime and prosecute violations of public offenses. Amends TCA Section 4-7-104. by *Stulce.

House Bill No. 547 -- Highway Signs - "Washington Ferry Bridge," S.R. 30, Meigs and Rhea counties. by *Walker.

House Bill No. 548 -- County Officers - Abolishes office of constable in Rhea County Amends TCA Section 8-10-101. by *Walker.

MONDAY, FEBRUARY 10, 1997 -- FIFTH LEGISLATIVE DAY

***House Bill No. 549** -- Utilities, Utility Districts - Restricts certain powers of water and wastewater treatment authorities to condemn real property or other assets owned by utility districts. Amends TCA Title 68, Chapter 221, Part 6. by *Wood.

House Bill No. 550 -- Insurance, Health, Accident - Creates Class A misdemeanor offense, punishable by \$2,500 fine only for each violation, for insurance agent to quote rate for group health insurance if agent, either directly or indirectly, assists person in obtaining TennCare and person would otherwise have been eligible to participate in group plan. Amends TCA Title 56. by *Wood.

House Bill No. 551 -- Child Abuse - Places certain restrictions on making determination of indicated child abuse or child sexual abuse; requires certain information concerning report to be expunged and removed from abuse registry in certain circumstances. Amends TCA Section 37-1-406. by *Wood.

House Bill No. 552 -- Motor Vehicles, Titling and Registration - Authorizes issuance of special plates for supporters of Shriners Orthopedic Hospitals and Burn Institutes; earmarks proceeds from sale of such plates, minus costs of producing plates, to defray expenses of medical care at such facilities. Amends TCA Title 55, Chapter 4, Part 2. by *Wood.

***House Bill No. 553** -- Hospitals and Health Care Facilities - Revises law on authentication and retention of medical records. Amends TCA Title 68. by *Wood.

House Bill No. 554 -- Taxes - Authorizes commissioner of revenue to waive enforcement and collection of any tax imposed on act, that is also basis of criminal citation if defendant found not guilty. Amends TCA Section 67-1-708. by *Wood.

House Bill No. 555 -- Taxes, Sales - Exempts from sales and use tax computer media exchange services when resulting media shipped out of Tennessee or sold to governmental agency or non-taxable entity in Tennessee. Amends TCA Section 67-6-313. by *Wood.

House Bill No. 556 -- Taxes, Sales - Exempts from sales and use tax cost of services on computer equipment imported into Tennessee for repair, refurbishment, or reconfiguration and removed from Tennessee within 30 days. Amends TCA Section 67-6-313. by *Wood.

House Bill No. 557 -- Motor Vehicles - Prohibits use of red flashing lights or red lights in combination with blue lights by anyone but full time or volunteer firefighter. Amends TCA Title 55, Chapter 9. by *Pleasant, *Jones U (Shelby).

***House Bill No. 558** -- Highways, Roads and Bridges - Directs department of transportation to plan for and construct interchange on I-181 at Tinker Road, Unicoi County. by *Whitson.

MONDAY, FEBRUARY 10, 1997 -- FIFTH LEGISLATIVE DAY

***House Bill No. 559** -- Firefighters - Prohibits employers from discrimination in or termination of employment due to status as part-time or volunteer firefighter or from response to fire alarm or call from U. S. Forest Service or other official fire disaster responder; makes violation Class E felony. Amends TCA Title 50, Chapter 1, Part 3. by *Whitson.

***House Bill No. 560** -- Highway Signs - "PFC. Dwight Leonard Guinn Memorial Overlook," scenic overlook on I-181, Clear Branch community, Unicoi County. by *Whitson.

***House Bill No. 561** -- Health - Establishes area health education center program at East Tennessee State University, Meharry Medical College, and UT-Memphis; appropriates \$1.5 million in funding for 1997-1998 fiscal year. Amends TCA Title 68. by *Whitson.

House Bill No. 562 -- Alcoholic Offenses - Expands prohibition against open containers of alcoholic beverages in motor vehicles to include passengers. Amends TCA Section 55-10-416. by *Stamps, *Ford S.

House Bill No. 563 -- Pensions and Retirement Benefits - Revises death benefits and disability retirement benefits in TCRS. Amends TCA Title 8, Chapter 36, Parts 1 and 5; Section 8-36-701(a)(3) and Section 8-37-104. by *Rhinehart, *Curtiss.

***House Bill No. 564** -- Licenses - Licenses and regulates adult entertainers, adult-oriented establishments, and adult cabarets. Amends TCA Section 4-29-218; Section 39-13-511 and Title 62. by *Burchett.

House Bill No. 565 -- Taxes - Requires question on Hall income tax form to determine if use taxes on out of state purchases in excess of \$500 have been paid, if not, department to collect. Amends TCA Title 67, Chapter 2 and Title 67, Chapter 6. by *Burchett.

House Bill No. 566 -- Unemployment Compensation - Disqualifies temporary employee of temporary help firm from receiving benefits if employee fails to contact firm for reassignment prior to filing for benefits and employee was advised of obligation to contact at completion of assignment. Amends TCA Section 50-7-303. by *Burchett.

***House Bill No. 567** -- Criminal Offenses - Provides one level enhancement factor for assault of firefighter in the line of duty. Amends TCA Title 39, Chapter 13 and Title 40. by *Burchett, *Tindell, *Armstrong.

***House Bill No. 568** -- Highway Signs - "Lewis Garner Memorial Bridge," Middle Fork of Obion River on S.R. 54, Weakley County. by *Maddox.

House Bill No. 569 -- Annexation - Extends from 60 to 90 days period after which certain disputes not settled in writing subjected to arbitration in annexation cases. Amends TCA Title 6, Chapter 51. by *Tindell, *Armstrong, *Ritchie, *Boyer.

MONDAY, FEBRUARY 10, 1997 -- FIFTH LEGISLATIVE DAY

***House Bill No. 570** -- Insurance, Health, Accident - Requires health insurance coverage of certain prostate cancer screening methods. Amends TCA Title 56. by *Chumney.

House Bill No. 571 -- Education - Allows commissioner of education to exempt private schools from computer training requirements in public schools when seeking state accreditation. Amends TCA Section 49-1-201. by *Tindell, *Dunn, *Boyer.

House Bill No. 572 -- Drugs - Authorizes physicians to prescribe, order, administer, sell, or otherwise distribute phentermine and fenfluramine despite any board of medical examiners' rule to the contrary. Amends TCA Title 39, Chapter 17, Part 4 and Title 63, Chapter 6, Part 2. by *Boyer.

House Bill No. 573 -- Taxes, Real Property - Removes requirement of filing request for tax relief 45 days before tax delinquent date. Amends TCA Section 67-5-701. by *Ridgeway, *Hassell, *Hargett, *Towns, *Jones U (Shelby).

House Bill No. 574 -- Public Funds and Financing - Adds president of trustees' association to collateral pool board. Amends TCA Title 9, Chapter 4, Part 5. by *Ridgeway, *Scroggs.

***House Bill No. 575** -- Crime, Victims of - Alters certain provisions and procedures pertaining to restitution. Amends TCA Title 40, Chapter 35. by *Newton.

***House Bill No. 576** -- DUI/DWI Offenses - Creates offense of DUI, enhanced by child endangerment. Amends TCA Section 55-10-414. by *Newton.

***House Bill No. 577** -- DUI/DWI Offenses - Removes defense that defendant not notified of enhancement provisions for subsequent convictions at time of first or previous conviction. Amends TCA Title 55, Chapter 10, Part 4. by *Newton.

***House Bill No. 578** -- Redistricting, Legislative & Congressional - Revises composition of congressional districts 1 and 2. Amends TCA Title 2, Chapter 16. by *Newton, *Bird.

***House Bill No. 579** -- Criminal Procedure - Increases from five to ten days time court clerk has to notify department of correction of convicts to be sent to penitentiary, subsequent to court's adjournment or final disposition of case. Amends TCA Title 40. by *Newton.

***House Bill No. 580** -- Criminal Offenses - Prohibits giving false identifying information to hinder criminal investigation or to avoid being served with legal process or concealing record of past conduct to reduce severity of penalty or gain advantage in criminal prosecution; violation is Class A misdemeanor.. Amends TCA Title 39, Chapter 16, Part 6. by *Newton, *Bird.

***House Bill No. 581** -- DUI/DWI Offenses - Provides that forfeiture of vehicle for driving on revoked license applies when person under suspension for DUI, rather than person is under original suspension for DUI. Amends TCA Title 55. by *Newton, *Bird.

MONDAY, FEBRUARY 10, 1997 -- FIFTH LEGISLATIVE DAY

House Bill No. 582 -- Drugs - Authorizes doctors to prescribe the drugs fenfluramine, dexfenfluramine (Redux) and phentermine if the patient at least 20 percent overweight, receives physical, including bloodwork, prior to receiving prescription and every month thereafter while on medication, is given reading materials on the advantages and risks associated with medication, and is advised of necessity of incorporating a low-fat diet and exercise into lifestyle. Amends TCA Title 39, Chapter 17 and Title 63, Chapter 6. by *Boyer.

House Bill No. 583 -- Landlord and Tenant - Authorizes landlord or owner of real property to terminate rental agreements if property subject to rental agreement being used in sale, manufacture or use of drugs in Davidson and Shelby counties. Amends TCA Title 66, Chapter 7. by *DeBerry J, *Chumney, *Kent, *Hargett, *Haley, *Hassell, *DeBerry L, *Scroggs, *Jones U (Shelby), *Turner (Shelby).

House Bill No. 584 -- Courts, General Sessions - Confers jurisdiction in domestic abuse cases to divisions 2 and 6 of general sessions courts in Shelby County. Amends TCA Title 36, Chapter 3, Part 6. by *DeBerry J, *Chumney, *Kent, *Hargett, *Haley, *Hassell, *Scroggs, *Jones U (Shelby), *Turner (Shelby).

***House Bill No. 585** -- Sexual Offenses - Requires judges to impose chemical castration as condition of community supervision for life for certain sex offenders. Amends TCA Title 39 and Title 40. by *Cooper, *Jones U (Shelby).

***House Bill No. 586** -- Education, Higher - Requires Tennessee Student Assistance Corporation to report noncompliance with student loan programs by institution to THEC. Amends TCA Title 49. by *Cooper, *Brooks, *Jones U (Shelby).

***House Bill No. 587** -- Solid Waste Disposal - Changes base year for calculation of state reduction goal from 1989 to 1993; changes deadline for compliance from December 31, 1995 to December 31, 1998. Amends TCA Title 68, Chapter 211, Part 8. by *Eckles.

***House Bill No. 588** -- Insurance, Health, Accident - Requires health insurers to offer to provide coverage of massage therapy when prescribed by a physician; does not to apply to policies providing coverage only for specified diseases, hospital indemnity, medicare supplement or other limited benefit coverages. Amends TCA Title 56. by *Eckles.

***House Bill No. 589** -- Municipal Government - Permits municipality to provide for, by ordinance, collection of delinquent property taxes in addition to present authority for current taxes. Amends TCA Section 67-5-2005. by *Langster.

House Bill No. 590 -- Telecommunications - Enacts "Tennessee Rights-of-Way Telecommunications Providers Act." Amends TCA Title 65. by *Williams (Williamson).

***House Bill No. 591** -- Juvenile Offenders - Permits either party to appeal juvenile court's transfer decision to criminal court. Amends TCA Title 37, Chapter 1. by *Williams (Williamson).

MONDAY, FEBRUARY 10, 1997 -- FIFTH LEGISLATIVE DAY

***House Bill No. 592** -- Common Carriers - Provides for regulation of movers of household goods by department of safety beyond 6/30/97. Amends TCA Title 65, Chapter 15. by *Williams (Williamson).

***House Bill No. 593** -- Tobacco, Tobacco Products - Designates new part of privilege and excise tax law as "Foreign Tobacco Revenue Tax." Amends TCA Title 67. by *Williams (Williamson).

***House Bill No. 594** -- Criminal Offenses - Creates Class A misdemeanor offense to buy, sell or barter human remains or burial objects from Native American historical burial grounds; creates Class E felony for second or subsequent offense. Amends TCA Title 4, Chapter 34 and Title 11, Chapter 6. by *Williams (Williamson).

***House Bill No. 595** -- Environmental Preservation - Authorizes reserve within underground storage tank fund to segregate fees and other moneys to fund debt service on obligations issued to fund investigation, cleanup, monitoring and maintenance of petroleum sites. Amends various provisions of TCA. by *Head.

***House Bill No. 596** -- Gas, Petroleum Products, Volatile Oils - Authorizes gas acquisition corporations to be joined by municipalities, utility districts and gas authorities Amends TCA Title 7, Chapter 39, Part 3. by *Head.

House Bill No. 597 -- Sexual Offenses - Makes unlawful sexual penetration of victim aggravated rape where defendant causes victim to be mentally incapacitated or physically helpless by use of controlled substance. Amends TCA Title 39, Chapter 13, Part 5. by *Chumney.

***House Bill No. 598** -- Drugs - Allows proceeds from sale of confiscated or seized property to go to local government for any purpose permitted by law. Amends TCA Section 39-17-420; Section 40-33-211 and Section 53-11-204. by *Stulce.

House Bill No. 599 -- County Officers - Revises qualifications for sheriffs. Amends TCA Section 8-8-102. by *McDonald, *Hargrove, *Rinks, *Westmoreland, *Eckles, *Cole (Carter), *Huskey, *Naifeh, *Rhinehart, *Mumpower, *Godsey, *Bird, *Cole (Dyer), *Cole (Dyer), *Bird, *Godsey.

House Bill No. 600 -- Public Records - Makes confidential riot, escape and emergency transport plans of county jails and workhouses. Amends TCA Section 10-7-504. by *Westmoreland, *McDonald, *Mumpower, *Godsey, *Bird, *Cole (Dyer).

House Bill No. 601 -- Pensions and Retirement Benefits - Makes teachers eligible for retirement after 25, rather than 30, years of creditable service. Amends TCA Title 8, Chapter 36. by *Boyer.

***House Bill No. 602** -- Drugs - Adds gamma hydroxybutyric acid; sodium oxybate; and gamma hydroxybutyrate sodium to listing of Schedule IV controlled substances. Amends TCA Title 39, Chapter 17, Part 4. by *Rhinehart.

MONDAY, FEBRUARY 10, 1997 -- FIFTH LEGISLATIVE DAY

***House Bill No. 603** -- Drugs - Makes catha edulis (Khat) Schedule I controlled substance when cathinone is present and Schedule IV when cathinone is absent but cathine is present; increases from Class D to Class C felony and raises fine from \$50,000 to \$100,000 for violations concerning Schedule IV controlled substance flunitrazepam. Amends TCA Title 39, Chapter 17, Part 4. by *Rhinehart.

***House Bill No. 604** -- Insurance, Health, Accident - Requires state insurance program and TennCare to provide coverage for early detection for prostate cancer in certain circumstances; requires insurance companies and HMOs to offer such coverage. Amends TCA Title 8, Chapter 27, Part 2; Title 56, Chapter 7, Part 26 and Title 71, Chapter 5, Part 1. by *Chumney.

***House Bill No. 605** -- Adoption - Deletes redundant language. Amends TCA Title 36; Title 37; Title 68 and Title 71. by *Chumney.

***House Bill No. 606** -- General Assembly - Specifies that .001 percent of all federal moneys for programs and projects in Tennessee go to general assembly for monitoring and oversight. Amends TCA Title 3, Chapter 1, Part 1. by *Kernell.

***House Bill No. 607** -- Sunset Laws - Requires all governmental entities to pay the cost of sunset reviews. Amends TCA Title 4, Chapter 29. by *Kernell.

***House Bill No. 608** -- General Assembly - Enacts "Communications and Response Enhancement Act of 1997." Amends TCA Title 3, Chapter 1. by *Kernell.

***House Bill No. 609** -- TennCare - Directs TennCare bureau to report on individual and societal costs and benefits of reopening, on a recurring basis, TennCare enrollment for work, uninsured and underinsured adults. Amends TCA Title 56; Title 63; Title 68 and Title 71. by *Givens.

***House Bill No. 610** -- Codes - Changes requirement for certification of municipal and county building inspectors from seven to five years of experience as building inspector. Amends TCA Section 68-120-113. by *Givens.

***House Bill No. 611** -- Taxes, Sales - Changes time frame in which retail purchaser of boat or motorboat must remove such boat to another state from three to five calendar days after taking physical possession of such boat in order to qualify for exemption from sales and use tax. Amends TCA Title 67, Chapter 6. by *Givens.

***House Bill No. 612** -- Tennessee Regulatory Authority - Changes, from first Monday in February to first Monday in March date of authority report to general assembly. Amends TCA Title 65. by *Givens.

***House Bill No. 613** -- Education, State Board of - Empowers state board of education to contract with private or government enterprise to operate alternative schools. Amends TCA Section 49-2-203. by *Williams (Williamson), *Sargent.

MONDAY, FEBRUARY 10, 1997 -- FIFTH LEGISLATIVE DAY

***House Bill No. 614** -- Judges and Chancellors - Creates additional position of judge in the 21st judicial district with such position to be filled by gubernatorial appointment until 1998 election Amends TCA Section 16-2-506. by *Sargent, *Williams (Williamson), *Jackson, *Tidwell, *White.

***House Bill No. 615** -- Criminal Offenses - Creates Class A misdemeanor offense of installing electronic tracking device in car without consent of occupants for purpose of monitoring occupants Amends TCA Title 39, Chapter 13, Part 6. by *Westmoreland, *Bird, *Cole (Dyer).

***House Bill No. 616** -- Animals - Requires persons who purchase branded neat cattle to mark such cattle with own brand within six, instead of eight, months of purchase Amends TCA Title 44. by *Givens.

***House Bill No. 617** -- State Employees - Provides that state employees working average of 30 hours a week, instead of full time employees, entitled to limited waivers of tuition and fees and dependents eligible for tuition discounts at state operated area technical vocational schools or institutions of higher learning. Amends TCA Title 3, Chapter 1 and Title 8, Chapter 50. by *Kernell.

House Bill No. 618 -- State Employees - Increases state employee and teacher discount on college costs from 25 to 25 - 50 percent. Amends TCA 8-50-115 and 49-7-119. by *Ritchie.

House Bill No. 619 -- Education - Prohibits employment of inmates on work details in or around public school during school hours Amends TCA Title 49, Chapter 6, Part 20. by *Boyer.

House Bill No. 620 -- Education - Permits medical student loan recipients to repay up to 20 percent of state guaranteed loans by providing free medical services to veterans and/or to persons 65 years of age or older who otherwise do not have insurance Amends TCA Section 49-4-703. by *Boyer.

***House Bill No. 621** -- Taxes, Sales - Excludes inventory from calculation of investment threshold for qualification for warehouse or distribution facility exemption Amends TCA Title 67, Chapter 6, Part 1. by *Boyer.

***House Bill No. 622** -- Hazardous Materials - Requires community impact statements prior to issuance of permit for hazardous waste storage, treatment or disposal facility Amends TCA Title 68, Chapter 212, Part 1. by *DeBerry L, *Bowers.

***House Bill No. 623** -- Education - Permits certain nonteacher professionals to teach in public schools; creates two year pilot program to encourage professionals to teach. Amends TCA Title 49, Chapter 5, Part 1. by *DeBerry L, *Davidson.

***House Bill No. 624** -- Highway Signs - "Reverend Herbert C. Kneeland, Jr. Bridge," I-240, Memphis. by *DeBerry L, *Bowers.

MONDAY, FEBRUARY 10, 1997 -- FIFTH LEGISLATIVE DAY

***House Bill No. 625** -- Children - Permits maternal grandmother right of first refusal to adopt child if department of children's services petitions to terminate rights of mother Amends TCA Title 36 and Title 37. by *DeBerry L, *Bowers.

***House Bill No. 626** -- Criminal Offenses - Makes certain changes with respect to offense of fleeing from law enforcement officer. Amends TCA Section 39-16-602 and Section 39-16-603. by *Newton, *Bird.

***House Bill No. 627** -- Highways, Roads and Bridges - Authorizes metropolitan counties to use municipal street funds to improve private roads in such metropolitan counties. Amends TCA Title 54, Chapter 4. by *Garrett.

***House Bill No. 628** -- Taxes, Real Property - Applies present use valuation under homebelt law to counties having metropolitan government for owners who have occupied residential property for 25 or more years which is zoned for commercial use; expands application to persons to whom current owner is lineal descendent. Amends TCA Section 67-5-601. by *Garrett.

***House Bill No. 629** -- Private Protective Services - Revises possible fines for violations of private protective laws from \$5,000 to \$2,000; requires training to be conducted within 60 rather than 30 days of hire; authorizes unarmed security guards to carry mace. Amends TCA Title 62, Chapter 35, Part 1. by *Garrett.

***House Bill No. 630** -- Election Laws - Makes preelection campaign financial disclosure report due when early voting period begins Amends TCA Title 2, Chapter 10 and Title 2, Chapter 6. by *Turner (Hamilton).

***House Bill No. 631** -- Municipal Government - Requires copy of municipal audit report to be placed in public library and on Internet Amends TCA Title 6, Chapter 56. by *Turner (Hamilton).

***House Bill No. 632** -- Municipal Government - Requires city that receives community development block grant funds to distribute report of such funds in each branch of public library Amends TCA Title 6, Chapter 54. by *Turner (Hamilton).

***House Bill No. 633** -- Motor Vehicles, Titling and Registration - Requires trailers to be registered with department of safety. Amends TCA Title 55, Chapter 4. by *Turner (Hamilton).

***House Bill No. 634** -- Juvenile Offenders - Reduces amount of credits that may be awarded to juvenile offender receiving determinate commitment and who exhibits satisfactory performance while in confinement. Amends TCA Title 37. by *Turner (Hamilton).

***House Bill No. 635** -- Insurance, Health, Accident - Requires departments of health and commerce and insurance to promulgate rules establishing minimum standards of coverage for maternity benefits offered by insurers. Amends TCA Title 56; Title 63 and Title 68. by *Turner (Hamilton).

MONDAY, FEBRUARY 10, 1997 -- FIFTH LEGISLATIVE DAY

***House Bill No. 636** -- Insurance, Health, Accident - Requires minimum of 48 hours in-patient care in hospital following mastectomy; requires notice of such coverage to policyholders, enrollees or subscribers. Amends TCA Title 56, Chapter 7, Part 25. by *Turner (Hamilton).

***House Bill No. 637** -- Insurance, Health, Accident - Establishes certain minimum level of coverage to be provided by insurers who offer maternity benefits for mothers and newborn infants; prohibits certain retaliatory actions by insurers. Amends TCA Title 56, Chapter 7, Part 23. by *Turner (Hamilton).

***House Bill No. 638** -- Taxes, Sales - Increases from \$500,000 to \$550,000 amount paid for items bought in Tennessee by motion picture company before refund of sales taxes. Amends TCA Title 67, Chapter 6. by *Brown.

***House Bill No. 639** -- Alcoholic Beverages - Redefines "community theater" to permit Bessie Smith Hall, Hamilton County to obtain liquor by drink permit Amends TCA Section 57-4-102. by *Brown.

House Bill No. 640 -- Motor Vehicles - Permits 10 percent weight variance for trucks on state and county roads when carrying corn, corn meal, rice meal, bulk wheat and flour, vegetable oil, and potatoes to food processing plant or mill. Amends TCA Title 55. by *Fowlkes, *Robinson, *Phillips.

House Bill No. 641 -- Historical Sites - Provides for erection of historical plaque at former site of Camp Blount in Lincoln County. by *Phillips.

House Bill No. 642 -- Shelby County - Subject to local approval, authorizes county library tax increase charged in court actions from \$2.00 to \$4.00. Amends Chapter 275 of the Private Acts of 1970. by *Kent.

House Bill No. 643 -- Labor - Authorizes local government to enter into memoranda of understanding with local bargaining units which shall be enforceable as contractual obligations; applies to Davidson and Shelby counties. by *Kent.

***House Bill No. 644** -- Taxes, Sales - Exempts from sales tax personal computers and peripheral equipment sold to certified teachers for personal use. Amends TCA Section 67-6-329. by *Kent.

House Bill No. 645 -- Recreation - Exempts church camps from regulation by department of health Amends TCA Title 68, Chapter 110. by *Windle.

***House Bill No. 646** -- Education - Provides that instruction in recognizing and preventing sexual abuse should be taught as part of family life curriculum. Amends TCA Title 49, Chapter 6, Part 13. by *Cooper.

***House Bill No. 647** -- Bad Checks - Decreases from \$20.00 to \$10.00 cap on handling fees charged by banks for bad checks. Amends TCA Section 47-29-102. by *Cooper.

MONDAY, FEBRUARY 10, 1997 -- FIFTH LEGISLATIVE DAY

***House Bill No. 648** -- Utilities, Utility Districts - Permits natural gas utility district to sell facilities to private investor owned utility. Amends TCA Title 7, Chapter 82. by *Williams (Williamson).

***House Bill No. 649** -- Tennessee Wildlife Resources Agency - Limits stocking of striped bass in Jefferson County to Cherokee Lake; prohibits stocking; prohibits size and creel limits on striped bass in Douglas Lake. Amends TCA Title 70, Chapter 4, Part 2. by *Roach.

***House Bill No. 650** -- Highway Signs - "Jefferson County Veterans Memorial Highway," segment of S.R. 92, Jefferson County. by *Roach.

***House Bill No. 651** -- Law Enforcement - Changes present designation of police officer for investigations of police officers to law enforcement officer who is certified by Tennessee POST Commission, but does not include municipal chiefs of police, elected sheriffs of counties, officers within department of safety or probationary new employees of agency. Amends TCA Title 38, Chapter 8, Part 3. by *Jones U (Shelby).

***House Bill No. 652** -- Law Enforcement - Redefines police officer, with respect to present law concerning investigations of police officers, to mean officer certified by POST commission but excludes municipal chiefs of police, elected sheriffs, officers within department of safety and probationary new employees of an agency. Amends TCA Title 38, Chapter 8. by *Jones U (Shelby).

***House Bill No. 653** -- Hospitals and Health Care Facilities - Establishes one-year moratorium on expansion of non-residential methadone treatment facilities; creates special legislative committee to perform comprehensive analysis of methadone. Amends TCA Title 68, Chapter 11. by *Westmoreland, *Godsey, *Mumpower.

***House Bill No. 654** -- Day Care - Requires casual child care, including Mothers-day-out, facility to advise parents at time child initially registered that facility not licensed by state and to obtain parents' signature indicating they understand this fact; form to contain statement printed in size not less than 16 point type. Amends TCA Section 71-3-527. by *Sargent, *Westmoreland.

***House Bill No. 655** -- Hospitals and Health Care Facilities - Requires reporting of community benefits by hospitals in annual reports to department of health. Amends TCA Section 68-11-310. by *Givens.

House Bill No. 656 -- Hospitals and Health Care Facilities - Prohibits "most favored nation" contracts with health care facilities and health care professionals as contrary to public policy. Amends TCA Title 47, Chapter 50. by *Williams (Williamson).

House Bill No. 657 -- Medical Occupations - Requires health related licensees to notify appropriate licensing board of business address changes. Amends TCA Title 63. by *Eckles.

MONDAY, FEBRUARY 10, 1997 -- FIFTH LEGISLATIVE DAY

House Bill No. 658 -- TennCare - Requires, instead of authorizes, commissioner of health to promulgate rules for review of appeals from denials of claims for medical assistance; changes claim threshold from \$500 to \$1,000. Amends TCA Title 56; Title 67 and Title 71. by *Eckles.

***House Bill No. 659** -- Taxes - Revises from 30 to 45 days when institutions claiming tax exemptions for property owned by the institution must file for such exemptions. Amends TCA Title 48 and Title 67. by *Givens.

***House Bill No. 660** -- Sunset Laws - Health facilities commission from June 30, 2001 to June 30, 2004; increases from 70 days to 90 days time health facilities commission can defer decisions regarding applications. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 11. by *Eckles.

***House Bill No. 661** -- Uniform Commercial Code - Incorporates new definitions of "holder," "money," and "unauthorized"; restates provision for explicit reservation of rights regarding performance, promise to perform, or assent to perform. Amends TCA Section 47-1-201(20); Section 47-1-201(24); Section 47-1-201(43); Section 47-1-207 and Section 47-2-511(3). by *Fitzhugh, *Rhinehart, *Curtiss, *Pinion, *Clabough.

House Bill No. 662 -- Financial Institutions, Dept. of - Extends state regulatory examination cycle for state chartered financial institutions to 18 months to coincide with federal regulatory agencies' cycles. Amends TCA Title 45, Chapter 2, Part 3, and Chapter 14. by *Lewis, *Rhinehart, *Curtiss, *Pinion, *Clabough.

***House Bill No. 663** -- Correctional Programs - Extends Select Oversight Committee on Corrections to 2001. Amends TCA Section 3-15-109(b). by *Pinion, *Rhinehart, *Langster, *DeBerry L, *Windle, *McKee, *McAfee.

House Bill No. 664 -- TennCare - Requires MCOs participating in TennCare contracts to define range of benefits to enrollees on agreement with overseeing state agency. Amends TCA Title 56 and Title 71. by *Williams (Williamson).

House Bill No. 665 -- Contractors - Requires licensure of home inspection contractors. Amends TCA Title 62, Chapter 6. by *Bowers.

***House Bill No. 666** -- Health - Requires health care insurance contracts to include obstetrician-gynecologists as eligible primary care physicians without need of referral. Amends TCA Title 56, Chapter 7. by *Bowers.

***House Bill No. 667** -- Aged Persons - Increases from seven to nine number of members of adult day care advisory committee. Amends TCA Title 71, Chapter 2, Part 4. by *Bowers.

***House Bill No. 668** -- Civil Service - Enacts "Civil Service Reform Act of 1997." Amends TCA Title 8, Chapter 30. by *Bowers.

***House Bill No. 669** -- Taxes, Real Property - Revises method of taxation of mobile homes. Amends TCA Section 67-5-802. by *Ferguson, *Head.

MONDAY, FEBRUARY 10, 1997 -- FIFTH LEGISLATIVE DAY

***House Bill No. 670** -- Taxes, Real Property - Requires street address, if any, to be included in notice of land sold to satisfy tax lien Amends TCA Title 67, Chapter 5, Part 25. by *Ferguson.

***House Bill No. 671** -- Sewage - Provides that subsurface sewage disposal system may be repaired if department fails to inspect within 48 hours Amends TCA Title 68, Chapter 221, Part 4. by *Ferguson.

***House Bill No. 672** -- Custody and Support - Alters certain provisions relative to certain child enforcement cases. Amends TCA Title 36, Chapter 5, Part 7. by *Kernell.

House Bill No. 673 -- Highway Signs - "Veterans Memorial Bridge," Cumberland River, S.R. 49, Cheatham County. by *Williams (Williamson), *Davidson.

House Bill No. 674 -- Courts, Circuit - Creates seven additional circuit courts; provides for election of judges (13th, 15th, 16th, 21st, 22nd, 25th) Amends TCA Section 16-2-506. by *Hargrove.

House Bill No. 675 -- Courts, Circuit - Creates seven additional circuit courts; provides for election of judges (13th, 15th, 16th, 20th, 21st, 22nd, 25th) Amends TCA Section 16-2-506(4)(A), 16-2-506(13)(A), 16-2-506(15)(A), 16-2-506(20)(A), 16-2-506(21)(A), 16-2-506(22)(A) and 16-2-506(26)(A). by *Hargrove.

***House Bill No. 676** -- Professions and Occupations - Redefines "alarm systems," sale of which subject to licensure to include only those alarm systems connected to alarm device or still cameras connected to alarm device. Amends TCA Title 62, Chapter 32, Part 3. by *Hassell.

***House Bill No. 677** -- Driver Licenses - Authorizes full-time law enforcement officers to check driver licenses. Amends TCA Section 40-7-103. by *Bird, *Newton.

***House Bill No. 678** -- Health - Removes authorization of volunteer rescue squads to transport patient without EMT, physician or nurse accompanying transported patient. Amends TCA Title 68, Chapter 140, Part 5. by *Ridgeway, *Westmoreland, *Caldwell.

House Bill No. 679 -- Medical Occupations - Authorizes the Tennessee Ambulance Services Association to nominate operators of ambulance services to serve upon the emergency medical services board. Amends TCA Title 68, Chapter 140, Part 5. by *Ridgeway, *Jackson, *Jones U (Shelby), *Caldwell.

***House Bill No. 680** -- Motor Vehicles - Redefines "authorized emergency vehicle" to automatically include every rescue vehicle or emergency response vehicle owned and operated by state chartered rescue squad, lifesaving crew or member unit of Tennessee Association of Rescue Squads. Amends TCA Title 55, Chapter 8. by *Givens.

House Bill No. 681 -- Agriculture, Dept. of - Revises Tennessee Commercial Feed Law Amends TCA Title 44, Chapter 6. by *Givens.

MONDAY, FEBRUARY 10, 1997 -- FIFTH LEGISLATIVE DAY

***House Bill No. 682** -- Taxes, Hotel Motel - Authorizes imposition of hotel occupancy tax by local governing body in certain circumstances Amends TCA Title 5; Title 6 and Title 67. by *Curtiss.

***House Bill No. 683** -- DUI/DWI Offenses - Increases from 15 to 20 percent amount seizing agency retains from sale of motor vehicles forfeited for driving on license revoked for DUI. Amends TCA Title 40, Chapter 33, Part 2; Title 55, Chapter 50 and Title 55, Chapter 10, Part 4. by *Curtiss.

***House Bill No. 684** -- Tennessee Higher Education Commission - Revises manner of selection of commission members to be drawn by lot with representation from each of three grand divisions. Amends TCA Title 49, Chapter 7. by *Winningham.

***House Bill No. 685** -- Taxes - Clarifies that 90 day filing period for tax refund credit to dealer is 90 calendar days. Amends TCA Title 67, Chapter 6. by *Rhinehart.

***House Bill No. 686** -- Insurance, Motor Vehicles - Considers foreign exchange student in same way as natural child under adult's motor vehicle insurance coverage Amends TCA Title 56. by *Rhinehart.

***House Bill No. 687** -- Salaries and Benefits - Establishes dollar for dollar match for state court judges deferred compensation beginning September 1, 1998 Amends TCA Title 8, Chapter 25; Title 8, Chapter 34; Title 8, Chapter 35 and Title 8, Chapter 36. by *Rhinehart, *Hargrove.

***House Bill No. 688** -- Pensions and Retirement Benefits - Lowers service retirement age for state judges (Group 3); eliminates Group 4 early service retirement. Amends TCA Title 8, Chapter 25; Title 8, Chapters 34; 35 and 36. by *Rhinehart, *Hargrove.

House Bill No. 689 -- Motor Vehicles - Exempts motor vehicle transportors 14 feet in height from maximum motor vehicle width and height limits. Amends TCA Title 55, Chapter 7. by *Phelan.

House Bill No. 690 -- Veterinarians - Expands lien so that animal considered abandoned when vet determines that address and telephone number given by owner are false Amends TCA Section 63-12-134. by *Phelan.

***House Bill No. 691** -- Attorney General and Reporter - Transfers certain state attorneys and support staff to office of attorney general Amends TCA Title 8, Chapter 6, Part 3. by *Hargrove.

***House Bill No. 692** -- Probation - Clarifies that trial judge who grants probation to felon may order supervision of felon be conducted by entity or group other than department of correction and, in such cases, applies \$10.00-\$35.00 monthly misdemeanor supervision fee to such felons; also requires supervisor to be Tennessee resident and have 15 years' experience with American Correctional Association accredited entity or group. Amends TCA Title 40, Chapter 35, Part 3 and Title 40, Chapter 28. by *Hargrove.

***House Bill No. 693** -- Capital Punishment - Requires indigent defense counsel to be paid within 120 days of submitting claim Amends TCA Title 8, Chapter 14; Title 40, Chapter 33; Title 40, Chapter 14; Title 55, Chapter 10, Part 4 and Title 67, Chapter 4. by *Hargrove.

***House Bill No. 694** -- Capital Punishment - Adds rape of child to list of crimes to which felony murder statute applies Amends TCA Title 39, Chapter 13, Part 2 and Title 40. by *Hargrove.

***House Bill No. 695** -- Capital Punishment - Extends present priority of cases to include expedited scheduling for briefs and oral arguments Amends TCA Title 16, Chapter 3, Part 2; Title 16, Chapter 5, Part 1; Title 39, Chapter 13, Part 2 and Title 40, Chapter 30. by *Hargrove.

House Bill No. 696 -- Taxes, Real Property - Authorizes certain counties and municipalities to waive collection of certain taxes, penalties, and interest under certain circumstances. Amends TCA Title 67, Chapter 1, Part 7. by *Miller L, *Kisber, *Haley.

House Bill No. 697 -- Insurance, Health, Accident - Requires insurance contracts and MCOs that cover mastectomy surgery to include coverage for reconstruction procedures which include augmentation and reduction mammoplasty and mastopexy if patient elects reconstruction and in manner chosen by patient and physician. Amends TCA Title 56, Chapter 7, Part 25. by *Eckles, *Chumney.

House Bill No. 698 -- Insurance, Health, Accident - Provides for insurance coverage for expenses of pharmacists in explaining use of diabetic supplies and equipment to patients Amends TCA Title 56, Chapter 7. by *Eckles.

House Bill No. 699 -- Business and Commerce - Sets procedures for dealers in surplus or used business commodities. Amends TCA Title 62. by *Eckles.

***House Bill No. 700** -- Pharmacy - Allows pharmacists to form buying consortiums for purchase of drugs and other medical equipment and supplies in bulk for resale in pharmacies. Amends TCA Title 63, Chapter 10. by *Eckles.

***House Bill No. 701** -- Insurance, Health, Accident - Provides for reimbursement to pharmacists for services provided to patients in self-management training and education in use of medicines, equipment, and supplies prescribed. Amends TCA Title 56, Chapter 7, Part 26. by *Eckles.

***House Bill No. 702** -- Common Carriers - Requires 20 rather than ten days' notice be given to officers or owners of common carriers that applicant has requested license as motor freight agent in territory. Amends TCA Title 65. by *Kernell.

***House Bill No. 703** -- Boards and Commissions - Requires proposed boards and commissions to demonstrate that will be fiscally self-sufficient if enacted. Amends TCA Title 4. by *Kernell.

MONDAY, FEBRUARY 10, 1997 -- FIFTH LEGISLATIVE DAY

***House Bill No. 704** -- School Transportation - Authorizes Maury County school superintendent to provide transportation to students who live less than 1 1/2 miles from school if safety and welfare of students so dictate. Amends TCA Title 49, Chapter 6, Part 21. by *Sands, *White.

***House Bill No. 705** -- Highways, Roads and Bridges - Updates definition of "borrow excavations" from 1981 standard specifications for road and bridge construction to March 1, 1995 standard specifications. Amends TCA Section 54-1-128. by *Sands.

***House Bill No. 706** -- Highway Signs - "Bill Leech Memorial Highway," S.R. 7 from Columbia city limits to Maury-Hickman County line; "Charlie Skillington Memorial Bridge," Snow Creek on S.R. 7, Maury County. by *Sands, *White.

***House Bill No. 707** -- Mining and Quarrying - Updates Shelby County census information relative to definition of "mineral." Amends TCA Section 59-8-202. by *Sands.

***House Bill No. 708** -- Sentencing - Removes presumption that defendant committing Class C, D or E felony is favorable candidate for alternative sentencing; requires court to consider all alternative sentencing options when determining appropriate sentence for such defendant. Amends TCA Title 40, Chapter 35. by *Sands, *White.

***House Bill No. 709** -- Governor - Requires legislative confirmation of certain appointments made by the governor. Amends TCA Title 4, Chapter 3. by *Brown.

***House Bill No. 710** -- Appropriations - Creates office of state budget legislative department. Amends TCA Title 3; Title 4 and Title 9. Repeals TCA Section 9-6-109. by *Brown.

***House Bill No. 711** -- Children's Services, Dept. of - Prohibits placement of certain children in custody of department. Amends TCA Section 37-1-137. by *Brown.

***House Bill No. 712** -- Insurance Companies, Agents, Brokers - Enacts "Tennessee Anti-Insurance Redlining Act of 1997." Amends TCA Title 56, Chapter 2. by *Brown.

***House Bill No. 713** -- State Government - Restricts governor's authority to restructure state government by executive order. Amends TCA Title 4, Chapter 4. by *Brown.

***House Bill No. 714** -- Election Laws - Establishes defamation standard for certain campaign related speech. Amends TCA Title 2, Chapter 19 and Title 29, Chapter 24. by *Beavers.

House Bill No. 715 -- Environmental Preservation - Enacts "Pollution Prevention Act of 1997.", by *Curtiss.

***House Bill No. 716** -- County Officers - Extends from 60 to 75 days period for county election commission to notify constables association of election results. Amends TCA Title 8. by *Windle.

MONDAY, FEBRUARY 10, 1997 -- FIFTH LEGISLATIVE DAY

House Bill No. 717 -- Business Organizations - Limits existence of limited partnerships to 50 years unless certificate of limited partnership states otherwise. Amends TCA Section 61-2-201. by *Fowlkes.

House Bill No. 718 -- Correctional Programs - Changes composition of board of workhouse commissioners from four members of county legislative body and executive of legislative body to four members of county legislative body and chief executive officer of the county. Amends TCA Section 41-2-104. by *Fowlkes.

House Bill No. 719 -- Welfare - Alters certain provisions of Families First program. Amends TCA Title 71. by *Brooks, *Turner (Shelby).

House Bill No. 720 -- Economic and Community Development - Prohibits fraudulent conduct and actions knowingly undertaken for purpose of qualifying for certain programs intended to promote and encourage minority-owned, disadvantaged and small businesses. Amends TCA Section 39-14-137. by *Brooks, *Cooper, *DeBerry J, *Turner (Shelby), *Jones U (Shelby), *Brown, *Pruitt.

House Bill No. 721 -- Cosmetology - Exempts certain natural hair stylists from certain provisions of cosmetology act. Amends TCA Title 56, Chapter 1, Part 3 and Title 62, Chapter 4, Part 1. by *Brooks, *Cooper, *Turner (Shelby), *DeBerry J, *Jones U (Shelby), *Brown, *Pruitt.

House Bill No. 722 -- Minority Affairs - Creates commission for African- American justice and equality. Amends TCA Title 4, Chapter 11. by *Brooks, *Turner (Shelby), *DeBerry J, *Cooper, *Jones U (Shelby), *Pruitt.

House Bill No. 723 -- Criminal Offenses - Increases from misdemeanor to felony any assault committed against child under 16 years of age, provided that defendant knew or reasonably should have known that victim was under 16. Amends TCA Section 39-13-102. by *Brooks, *DeBerry J, *Cooper, *Turner (Shelby), *Jones U (Shelby), *Pruitt.

House Bill No. 724 -- General Assembly - Increases from 14 to 20 membership of select joint committee to study business taxes. Amends TCA Section 3-15-602. by *Brooks, *DeBerry J, *Cooper, *Turner (Shelby), *Langster, *Beavers, *Haley, *Bird, *Jones U (Shelby), *Pruitt.

House Bill No. 725 -- General Assembly - Creates select committee on minority affairs; assigns certain duties and responsibilities to such committee. Amends TCA Title 3, Chapter 15. by *Brooks, *DeBerry J, *Cooper, *Turner (Shelby), *Langster, *Jones U (Shelby), *Pruitt.

House Bill No. 726 -- Environmental Preservation - Enacts "Environmental Justice Act of 1997". by *Brooks, *Turner (Shelby), *DeBerry J, *Cooper, *Jones U (Shelby), *Pruitt.

House Bill No. 727 -- State Government - Creates Title VI Compliance Authority; assigns certain duties and powers to such authority. Amends TCA Title 4, Chapter 21. by *Brooks, *Turner (Shelby), *DeBerry J, *Cooper, *Jones U (Shelby), *Pruitt.

MONDAY, FEBRUARY 10, 1997 -- FIFTH LEGISLATIVE DAY

House Bill No. 728 -- Railroads - Repeals certain railroad statutes - Repeals TCA Section 65-12-102; Section 65-12-104; Section 65-12-105; Section 65-12-106; Section 65-12-107; Section 65-12-110; Title 65, Chapter 13 and Title 65, Chapter 5. by *Robinson.

House Bill No. 729 -- Mining and Quarrying - Redefines "mineral" by deleting definition which includes sand and gravel as mineral and by deleting Shelby County language from second definition so as to apply uniform mineral definition which excludes sand and gravel. Amends TCA Section 59-8-202. by *Robinson, *Haley, *Huskey, *Kent, *Turner (Shelby).

House Bill No. 730 -- Highways, Roads and Bridges - Exempts from local or regional zoning and planning regulations areas from which sand and gravel obtained for construction work under contract with the state in certain circumstances. Amends TCA Section 54-1-128. by *Robinson, *Haley, *Huskey, *Kent, *Turner (Shelby), *Jones U (Shelby).

House Bill No. 731 -- Courts, Juvenile - Changes appeals of final orders or judgments of juvenile court from circuit court to criminal court. Amends TCA Section 37-1-159. by *Boner.

House Bill No. 732 -- Appeal and Review - Authorizes either state or child to take interlocutory appeal to criminal court from juvenile court's decision as to whether child should be transferred to criminal court for trial and disposition as adult Amends TCA Section 37-1-159. by *Boner.

House Bill No. 733 -- Criminal Procedure - Prohibits granting furlough to inmate for purpose of allowing such inmate to celebrate holiday Amends TCA Title 40, Chapter 35 and Title 41, Chapter 2. by *Boner, *Frale, *West, *Garrett, *Langster, *Robinson, *Stamps, *Jones, S., *Pruitt, *Arriola, *Kisber, *Hargrove.

House Bill No. 734 -- Private Protective Services - Requires persons who check IDs or eject persons from establishments selling alcoholic beverages to obtain unarmed private security guard license. Amends TCA Title 62, Chapter 35, Part 1. by *West.

House Bill No. 735 -- Private Protective Services - Requires applicant for security guard/officer registration card to complete four hours of general training in 60, instead of 30, days of employment; authorizes commissioner of commerce and insurance to assess civil penalty of up to \$2,000, instead of \$5,000, per occurrence upon persons operating without proper license or authorization and for each violation of "Private Protective Services Licensing and Regulatory Act. Amends TCA Title 45 and Title 62, Chapter 35, Part 1. by *West.

House Bill No. 736 -- Health - Expands duties of health care service utilization review agents Amends TCA Title 56. by *West.

MONDAY, FEBRUARY 10, 1997 -- FIFTH LEGISLATIVE DAY

House Bill No. 737 -- Motor Vehicles, Titling and Registration - Authorizes issuance of special license plates for members of Tennessee Scenic Rivers Association; after sale of 1,000 plates, funds to be distributed to such association. Amends TCA Title 55, Chapter 4. by *West.

House Bill No. 738 -- Motor Vehicles, Titling and Registration - Defines "residency" for purpose of titling and registering motor vehicles. Amends TCA Title 55, Chapter 3; Title 55, Chapter 4 and Title 55, Chapter 5. by *West.

House Bill No. 739 -- Motor Vehicles, Titling and Registration - Requires county clerk to issue certificate of title to owner of repossessed motor vehicle upon application of dealer or auto auction. Amends TCA Section 55-3-101. by *West.

***House Bill No. 740** -- Drug and Alcohol Rehabilitation - Revises from one to three years licensing period of alcohol and drug abuse counselors. Amends TCA Title 4, Chapter 29; Title 63 and Title 68, Chapter 24, Part 6. by *West.

House Bill No. 741 -- Hospitals and Health Care Facilities - Limits licensing of methadone treatment centers to not more than one every 100 miles. Amends TCA Title 68, Chapter 11, Part 2. by *West.

***House Bill No. 742** -- Drug and Alcohol Rehabilitation - Establishes department of health as exclusive provider of certain alcohol and drug abuse treatment services for persons who otherwise would be eligible for TennCare. by *West.

House Bill No. 743 -- Claims Commission, Tennessee - Revises limits of judgments awarded by claims commission; prohibits certain counterclaims by state against claimants injured by state. Amends TCA Title 9, Chapter 8. by *West.

House Bill No. 744 -- General Services, Dept. of - Directs department to provide lighting patterns of Tennessee Tower for holidays and to non-profit organizations and community events. Amends TCA Title 4, Chapter 3, Part 11. by *West.

House Bill No. 745 -- Drug and Alcohol Rehabilitation - Requires contracts between state and behavioral health organizations for alcohol and drug abuse treatment services to comply with national standards of care established by American Society of Addiction Medicine. by *West.

House Bill No. 746 -- Railroads - Requires transportation equity funds for railroads be distributed equally among all short line railroads until such time that all short line railroads are classified as Class II. Amends TCA Section 67-6-103. by *West.

House Bill No. 747 -- Sunset Laws - Revises termination date of certain rail service authorities from June 30, 2002 to June 30, 1998. Amends TCA Title 4, Chapter 29, Part 2 and Title 7, Chapter 56, Part 2. by *West.

MONDAY, FEBRUARY 10, 1997 -- FIFTH LEGISLATIVE DAY

House Bill No. 748 -- Railroads - Requires all railroads, except Class I railroads, be inspected at least once every three months; all state and federal moneys shall be withheld if deficiencies not corrected within 60 days of such report. Amends TCA Title 65, Chapter 3. by *West.

House Bill No. 749 -- Divorce and Annulment - Requires child support collections by county court clerks be distributed to recipients by county court clerks. Amends TCA Title 36, Chapter 5 and Title 71. by *West.

House Bill No. 750 -- Parks, Natural Areas Preservation - Requires commissioner to identify state property which would be appropriate for use as local recreational facility and to maintain list of resources available to local governments to assist in providing parks and recreational facilities. Amends TCA Title 11, Chapter 9. by *Eckles.

House Bill No. 751 -- Day Care - Changes certain policies with respect to certain child care facilities. Amends TCA Title 4, Chapter 37, Part 1; Title 49, Chapter 2, Part 2 and Title 71. by *Turner (Hamilton).

House Bill No. 752 -- Children - Grants visitation rights to parents of deceased father of minor child, if such visitation would not pose risk of substantial danger of harm. Amends TCA Section 36-6-302. by *Turner (Hamilton).

House Bill No. 753 -- Mental Health and Mental Retardation, Dept. of - Requires judicial review of any transfer of person admitted or committed to state mental health facility or developmental facility to less restrictive environment. Amends TCA Title 33. by *Turner (Hamilton).

House Bill No. 754 -- DUI/DWI Offenses - Clarifies that subsequent violations of DUI law within ten years are to be considered when determining whether offender is multiple offender. Amends TCA Title 55, Chapter 10, Part 4. by *Turner (Hamilton).

House Bill No. 755 -- Medical Occupations - Establishes, defines and encourages the use of certified surgical technologists (CST). Amends TCA Title 56, Chapter 7, Part 24 and Title 63, Chapter 6. by *Turner (Hamilton).

House Bill No. 756 -- Sexual Offenses - Prohibits records of sexual offender who has completed pretrial diversion program from being expunged; prohibits information on sexual offender from being removed from Sex Offender Registry if offender's records are expunged following diversion program. Amends TCA Title 40, Chapter 32, Part 1; Title 40, Chapter 35, Part 3 and Title 40, Chapter 39. by *Jackson.

House Bill No. 757 -- Sexual Offenses - Requires probationer or parolee convicted of certain sexual offenses applying for transfer of supervision to this state under interstate compact for parole and probation supervision to provide TBI with biological specimen for DNA analysis prior to approval of application. Amends TCA Title 40, Chapter 28. by *Jackson.

MONDAY, FEBRUARY 10, 1997 -- FIFTH LEGISLATIVE DAY

House Bill No. 758 -- Pardons and Paroles - Defines "family" for purposes of Tennessee being receiving state under interstate compact for out-of-state parole and probation supervision; requires family member with whom probationer or parolee to reside to be resident of Tennessee for three years; requires probationer or parolee to reside with family member at least one year; requires application of transfer of supervision to this state be denied if probationer or parolee residing in this state prior to approval of application by this state. Amends TCA Title 40, Chapter 28. by *Jackson.

House Bill No. 759 -- Sexual Offenses - Makes person charged with or convicted of sexual offense requiring registration under Sexual Offender Registration and Monitoring Act ineligible for pre-trial or judicial diversion. Amends TCA Title 40, Chapter 15 and Title 40, Chapter 35, Part 3. by *Jackson.

House Bill No. 760 -- Pardons and Paroles - Requires governor to notify speakers of senate and house and chairs of respective judiciary committees of conviction offense of felons residing in Tennessee under compact for out-of-state probation and parole supervision and sending state of such felons. Amends TCA Title 40, Chapter 28. by *Jackson.

House Bill No. 761 -- Pardons and Paroles - Requires governor to notify speaker of senate and house and chair of respective judiciary committees of number and conviction offense of all sexual offenders for which Tennessee is receiving state under compact for out-of-state probation and parole supervision. Amends TCA Title 40, Chapter 35 and Title 40, Chapter 28. by *Jackson.

House Bill No. 762 -- Sexual Offenses - Decreases from four to three number of years defendant must be older than victim to constitute offense of statutory rape. Amends TCA Title 33; Title 39 and Title 40. by *Jackson.

House Bill No. 763 -- Criminal Procedure - Gives general sessions court concurrent jurisdiction with juvenile court to try misdemeanor cases of nonsupport and conduct preliminary hearings in felony nonsupport cases. Amends TCA Title 39, Chapter 15. by *Jackson.

House Bill No. 764 -- Custody and Support - Requires referees appointed to set and enforce child support and to provide expedited hearings to have been actively engaged in practice of law for period of four rather than two years. Amends TCA Title 36 and Title 39, Chapter 15, Part 1. by *Jackson.

House Bill No. 765 -- Custody and Support - Increases from six months imprisonment to Class A misdemeanor penalty for failure to comply with child support order. Amends TCA Title 34; Title 36, Chapter 5; Title 39, Chapter 15 and Title 50, Chapter 2. by *Jackson.

House Bill No. 766 -- Abortion - Bans partial-birth abortions; provides same penalty as for criminal abortions which is Class C felony; provides civil remedies. Amends TCA Title 39, Chapter 15, Part 2. by *Jackson, *Godsey, *Dunn, *Sargent.

MONDAY, FEBRUARY 10, 1997 -- FIFTH LEGISLATIVE DAY

House Bill No. 767 -- Public Records - Makes confidential ambulance records pertaining to a response by an ambulance service or invalid vehicle operator during which time patient evaluated, treated, or transported. Amends TCA Title 68, Chapter 140, Part 5. by *Jackson, *Buck, *Caldwell.

House Bill No. 768 -- Insurance Companies, Agents, Brokers - Authorizes state malpractice insurance companies to become state stock insurance companies. by *Jackson.

House Bill No. 769 -- Air Pollution - Gives citizens standing to appeal decisions of water pollution and air pollution control boards. Amends TCA Title 68, Chapter 201, Part 1 and Title 69, Chapter 3, Part 1. by *Jackson, *McMillan, *Brown, *West.

House Bill No. 770 -- Appeal and Review - Permits any party of record to appeal contested case; eliminates summons requirement and conforms service of process procedure to Rules 3 and 4 of Tennessee Rules of Civil Procedure. Amends TCA Title 4, Chapter 5, Part 3. by *Jackson, *McMillan, *Brown, *West.

House Bill No. 771 -- Industrial Development - Revises Tennessee BIDCO Act. Amends TCA Title 45, Chapter 8, Part 2. by *Jackson.

House Bill No. 772 -- Insurance, Health, Accident - Requires coverage of certain drugs by insurance policy or contract providing drug coverage. Amends TCA Title 56. by *Jackson, *Caldwell.

House Bill No. 773 -- Corporations, Not for Profit - Authorizes attorney general to conduct prior review of acts or transactions of non-profit corporations. Amends TCA Title 48, Chapters 51, 53, and 62. by *Jackson.

House Bill No. 774 -- Corporations, Not for Profit - Permits commissioner of revenue to assist attorney general in reviewing actions of non-profit organizations. Amends TCA Title 48, Chapters 51, 53, and 62. by *Jackson.

House Bill No. 775 -- Hospitals and Health Care Facilities - Requires hospitals to have at least one physician on call to provide medical services to patients presenting at facility. Amends TCA Title 68, Chapter 11. by *Jackson.

House Bill No. 776 -- Hospitals and Health Care Facilities - Provides that nothing in health care facilities provisions (TCA Title 68, Chapter 11) to be construed as prohibition on provision of health and medical services by licensed facility. Amends TCA Title 68, Chapter 11. by *Jackson.

House Bill No. 777 -- Insurance, Health, Accident - Prohibits "most favored nation" clause in health insurance contracts with providers. Amends TCA Title 56, Chapters 26, 27, 28, 29, and 32. by *Jackson.

House Bill No. 778 -- Criminal Procedure - Reduces age requirement from ten to eight years for persons drawing juror names. Amends TCA Title 40. by *Jackson.

MONDAY, FEBRUARY 10, 1997 -- FIFTH LEGISLATIVE DAY

House Bill No. 779 -- Capital Punishment - Requires death chamber and all persons receiving sentence of death be located at Brushy Mountain State Penitentiary by January 1, 1998. Amends TCA Title 40, Chapter 23. by *Jackson.

House Bill No. 780 -- Driver Licenses - Prohibits issuance of restricted commercial driver license for operating school bus; prohibits issuance of school bus driver endorsements to persons convicted of DUI. Amends TCA Title 55, Chapter 50. by *Jackson.

House Bill No. 781 -- Driver Licenses - Prohibits issuance of restricted commercial driver license for operating school bus. Amends TCA Title 55, Chapter 50. by *Jackson.

House Bill No. 782 -- Highway Signs - "Ralph Dyer and Roy Witherspoon Bridge," spanning Duck River on S.R. 50 in Hickman County. by *Jackson.

House Bill No. 783 -- Highway Signs - "Hunt McClanahan and Will Wilkins Bridge," S.R. 50, Hickman County. by *Jackson.

House Bill No. 784 -- TennCare - Permits dentists who provide dental services to adult developmentally disabled TennCare recipients to be compensated under TennCare; services include preventive, diagnostic and other medically necessary treatment. Amends TCA Title 56 and Title 71. by *McMillan, *West.

House Bill No. 785 -- Dentists - Requires insurance coverage of associated hospital costs for certain dental procedures. Amends TCA Title 56. by *McMillan, *West.

House Bill No. 786 -- Environmental Preservation - Makes environmental audits confidential. Amends TCA Titles 24, 25, 26, 27, 28, 29, 39, 40, 43, 62, 68, and 69. by *McMillan.

House Bill No. 787 -- Crime, Victims of - Includes terrorism abroad as compensable criminal injury; limits one convicted of federal offense from receiving award under Criminal Injuries Compensation Act. Amends TCA Section 29-13-104; Section 29-13-105 and Section 29-13-109(d). by *McMillan.

House Bill No. 788 -- Domestic Violence - Requires valid orders of protection relating to domestic violence issued in another state be given full faith and credit for enforcement purposes by the courts of this state; provides procedure for filing foreign order with court clerk in this state. Amends TCA Title 36, Chapter 3, Part 6. by *McMillan, *Eckles, *Chumney, *Turner (Hamilton).

House Bill No. 789 -- Domestic Violence - Changes definition of "abuse" in domestic abuse part of TCA to "domestic abuse"; changes words "abuse" and "spousal abuse" throughout that part to "domestic abuse." Amends TCA Title 36, Chapter 3, Part 6. by *McMillan, *Eckles, *Chumney, *Turner (Hamilton).

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

- House Bill No. 377** -- Victims Rights -- Caption Bill Held on House Desk
- House Bill No. 378** -- Treasurer, State -- Caption Bill Held on House Desk
- *House Bill No. 379** -- Election Laws -- Caption Bill Held on House Desk
- *House Bill No. 380** -- Criminal Offenses -- Caption Bill Held on House Desk
- *House Bill No. 381** -- Foster Care -- House Children and Family Affairs Committee
- *House Bill No. 382** -- Emergency Communications Districts -- House State & Local Government Committee
- *House Bill No. 383** -- State Prisoners -- House Judiciary Committee
- House Bill No. 384** -- Claims Commission, Tennessee -- Caption Bill Held on House Desk
- *House Bill No. 385** -- Child Abuse -- House Children and Family Affairs Committee
- *House Bill No. 386** -- Election Laws -- House State & Local Government Committee
- *House Bill No. 387** -- Criminal Offenses -- Caption Bill Held on House Desk
- *House Bill No. 388** -- Pensions and Retirement Benefits -- House Finance, Ways & Means Committee
- *House Bill No. 389** -- Criminal Offenses -- Caption Bill Held on House Desk
- *House Bill No. 390** -- Driver Licenses -- Caption Bill Held on House Desk
- *House Bill No. 391** -- Judicial Districts -- Caption Bills Held on House Desk
- *House Bill No. 392** -- Workers' Compensation -- House Consumer & Employees Affairs Committee
- *House Bill No. 393** -- Courts, Juvenile -- House Children and Family Affairs Committee
- *House Bill No. 394** -- Courts -- House Judiciary Committee

MONDAY, FEBRUARY 10, 1997 -- FIFTH LEGISLATIVE DAY

***House Bill No. 395** -- Motor Vehicles -- House Transportation Committee

House Bill No. 396 -- General Assembly -- House State & Local Government Committee

House Bill No. 397 -- Physicians and Surgeons -- House Judiciary Committee

House Bill No. 398 -- Sullivan County -- Local Bill Held on House Desk

House Bill No. 399 -- Sentencing -- House Judiciary Committee

***House Bill No. 400** -- Education -- House Education Committee

House Bill No. 401 -- School Transportation -- House Education Committee

***House Bill No. 402** -- Telecommunications -- Caption Bill Held on House Desk

***House Bill No. 403** -- Taxes, Real Property -- House Finance, Ways & Means Committee

House Bill No. 404 -- Highway Signs -- House Transportation Committee

***House Bill No. 405** -- Animals -- House Conservation & Environment Committee

***House Bill No. 406** -- Dentists -- House Health & Human Resources Committee

House Bill No. 407 -- Environment and Conservation, Department of -- House Government Operations Committee

House Bill No. 408 -- AIDS -- House Government Operations Committee

House Bill No. 409 -- Correction, Dept. of -- House State & Local Government Committee

***House Bill No. 410** -- Driver Licenses -- House Transportation Committee

***House Bill No. 411** -- Aged Persons -- House Health & Human Resources Committee

House Bill No. 412 -- Health -- House Government Operations Committee

***House Bill No. 413** -- Insurance, Health, Accident -- House Government Operations Committee

***House Bill No. 414** -- Real Estate Agents and Brokers -- House Commerce Committee

House Bill No. 415 -- Motor Vehicles, Titling and Registration -- House Transportation Committee

MONDAY, FEBRUARY 10, 1997 -- FIFTH LEGISLATIVE DAY

House Bill No. 416 -- Education, Higher -- House Education Committee

***House Bill No. 417** -- Equalization Board -- Caption Bill Held on House Desk

House Bill No. 418 -- Taxes, Real Property -- Caption Bill Held on House Desk

House Bill No. 419 -- Liens -- House Judiciary Committee

***House Bill No. 420** -- Salaries and Benefits -- House State & Local Government Committee

***House Bill No. 421** -- Medical Occupations -- House Health & Human Resources Committee

House Bill No. 422 -- Election Laws -- Caption Bill Held on House Desk

***House Bill No. 423** -- General Assembly -- House State & Local Government Committee

***House Bill No. 424** -- Professions and Occupations -- House Commerce Committee

***House Bill No. 425** -- Contractors -- Caption Bill Held on House Desk

***House Bill No. 426** -- Salaries and Benefits -- Caption Bill Held on House Desk

***House Bill No. 427** -- Juries and Jurors -- House Judiciary Committee

House Bill No. 428 -- Drug and Alcohol Rehabilitation -- Caption Bill Held on House Desk

House Bill No. 429 -- Guardianship -- House Judiciary Committee

House Bill No. 430 -- Municipal Government -- House State & Local Government Committee

***House Bill No. 431** -- Regional Authorities -- House Finance, Ways & Means Committee

House Bill No. 432 -- Taxes, Inheritance Gift -- Caption Bill Held on House Desk

House Bill No. 433 -- Trusts -- House Judiciary Committee

House Bill No. 434 -- Business Organizations -- Caption Bill Held on House Desk

House Bill No. 435 -- Charitable Institutions -- House Judiciary Committee

House Bill No. 436 -- Probate Law -- House Judiciary Committee

MONDAY, FEBRUARY 10, 1997 -- FIFTH LEGISLATIVE DAY

House Bill No. 437 -- Probation -- House State & Local Government Committee

***House Bill No. 438** -- General Assembly, Studies -- House Education Committee

***House Bill No. 439** -- Judges and Chancellors -- House Judiciary Committee

***House Bill No. 440** -- Uniform Commercial Code -- House Judiciary Committee

***House Bill No. 441** -- Claims Commission, Tennessee -- House State & Local Government Committee

***House Bill No. 442** -- Taxes, Privilege -- House Transportation Committee

***House Bill No. 443** -- Correctional Programs -- House State & Local Government

***House Bill No. 444** -- Environmental Preservation -- Caption Bill Held on House Desk

House Bill No. 445 -- Insurance, Health, Accident -- House Commerce Committee

House Bill No. 446 -- Managed Care Organizations -- House Commerce Committee

House Bill No. 447 -- Managed Care Organizations -- House Commerce Committee

House Bill No. 448 -- Medical Occupations -- House Health & Human Resources Committee

***House Bill No. 449** -- Motor Vehicles, Titling and Registration -- Caption Bill Held on House Desk

***House Bill No. 450** -- Human Services, Dept. of -- House Children and Family Affairs Committee

***House Bill No. 451** -- Aged Persons -- House Commerce Committee

***House Bill No. 452** -- Juvenile Offenders -- House Children and Family Affairs Committee

House Bill No. 453 -- Children -- House Children and Family Affairs Committee

***House Bill No. 454** -- Highway Signs -- House Transportation Committee

House Bill No. 455 -- Day Care -- House Health & Human Resources Committee

***House Bill No. 456** -- Taxes, Gasoline, Petroleum Products -- Caption Bill Held on House Desk

MONDAY, FEBRUARY 10, 1997 -- FIFTH LEGISLATIVE DAY

***House Bill No. 457** -- Highway Signs -- House Transportation Committee

House Bill No. 458 -- Adoption -- House Children and Family Affairs Committee

***House Bill No. 459** -- Funeral Directors and Embalmers -- Caption Bill Held on House Desk

***House Bill No. 460** -- Funeral Directors and Embalmers -- House Commerce Committee

***House Bill No. 461** -- Education, Higher -- House Education Committee

***House Bill No. 462** -- Education, Higher -- Caption Bill Held on House Desk

***House Bill No. 463** -- Disabled Persons -- House Transportation Committee

House Bill No. 464 -- Physicians and Surgeons -- House Health & Human Resources Committee

House Bill No. 465 -- McMinn County -- Local Bill Held on House Desk

***House Bill No. 466** -- Salaries and Benefits -- House State & Local Government Committee

***House Bill No. 467** -- Pensions and Retirement Benefits -- Caption Bill Held on Clerk's Desk

House Bill No. 468 -- Unemployment Compensation -- House Consumer & Employee Affairs Committee

***House Bill No. 469** -- Municipal Government -- House State & Local Government Committee

House Bill No. 470 -- Greene County -- Local Bill Held on Clerk's Desk

House Bill No. 471 -- Greene County -- Local Bill Held on Clerk's Desk

***House Bill No. 472** -- Health, Dept. of -- House Health & Human Resources Committee

***House Bill No. 473** -- Taxes, Sales -- House Finance, Ways & Means Committee

House Bill No. 474 -- Marriage -- House Children & Family Affairs Committee

***House Bill No. 475** -- Education -- House Education Committee

House Bill No. 476 -- Local Education Agency -- House Education Committee

MONDAY, FEBRUARY 10, 1997 -- FIFTH LEGISLATIVE DAY

***House Bill No. 477** -- Pensions and Retirement Benefits -- Caption Bill Held on House Desk

***House Bill No. 478** -- Taxes -- House Finance, Ways & Means Committee

***House Bill No. 479** -- Economic and Community Development -- Caption Bill Held on House Desk

House Bill No. 480 -- State Government -- House State & Local Government Committee

House Bill No. 481 -- Traffic Safety -- House Transportation Committee

***House Bill No. 482** -- Sexual Offenses -- House Judiciary Committee

***House Bill No. 483** -- Sexual Offenses -- House Judiciary Committee

***House Bill No. 484** -- Taxes -- House Finance, Ways & Means Committee

House Bill No. 485 -- Correctional Programs -- House State & Local Government Committee

House Bill No. 486 -- Sexual Offenses -- House Judiciary Committee

***House Bill No. 487** -- Crime, Victims of -- House Judiciary Committee

***House Bill No. 488** -- Taxes -- House State & Local Government Committee

House Bill No. 489 -- Professions and Occupations -- House Government Operations Committee

House Bill No. 490 -- Water -- Caption Bill Held on House Desk

House Bill No. 491 -- Big Sandy -- Local Bill Held on House Desk

House Bill No. 492 -- Camden -- Local Bill Held on House Desk

House Bill No. 493 -- Highway Signs -- House Transportation Committee

***House Bill No. 494** -- Tobacco, Tobacco Products -- Caption Bill Held on House Desk

***House Bill No. 495** -- County Government -- House Judiciary Committee

***House Bill No. 496** -- Pensions and Retirement Benefits -- House Finance, Ways & Means Committee

***House Bill No. 497** -- Children -- House Children and Family Affairs Committee

MONDAY, FEBRUARY 10, 1997 -- FIFTH LEGISLATIVE DAY

- House Bill No. 498** -- Insurance, Motor Vehicles -- House Judiciary Committee
- House Bill No. 499** -- Education, Higher -- House Education Committee
- *House Bill No. 500** -- Real Property -- House Judiciary Committee
- *House Bill No. 501** -- Annexation -- House State & Local Government Committee
- *House Bill No. 502** -- Pensions and Retirement Benefits -- House Finance, Ways & Means Committee
- *House Bill No. 503** -- Insurance, Health, Accident -- House Commerce Committee
- *House Bill No. 504** -- Correctional Programs -- House State & Local Government Committee
- *House Bill No. 505** -- Criminal Offenses -- Caption Bill Held on House Desk
- *House Bill No. 506** -- Consumer Protection -- House Consumer & Employees Affairs Committee
- *House Bill No. 507** -- Insurance, Motor Vehicles -- House Commerce Committee
- *House Bill No. 508** -- Motor Vehicles -- House Transportation Committee
- *House Bill No. 509** -- Alcoholic Beverages -- House State & Local Government Committee
- *House Bill No. 510** -- Sexual Offenses -- House Judiciary Committee
- *House Bill No. 511** -- Driver Licenses -- House Transportation Committee
- *House Bill No. 512** -- Criminal Procedure -- House Judiciary Committee
- *House Bill No. 513** -- Minority Affairs -- Caption Bill Held on House Desk
- *House Bill No. 514** -- Children -- House Children and Family Affairs Committee
- House Bill No. 515** -- Sexual Offenses -- House Judiciary Committee
- House Bill No. 516** -- Contractors -- Caption Bill Held on House Desk
- *House Bill No. 517** -- Insurance, Health, Accident -- House Commerce Committee
- House Bill No. 518** -- Health -- House Health & Human Resources Committee

MONDAY, FEBRUARY 10, 1997 -- FIFTH LEGISLATIVE DAY

***House Bill No. 519** -- Consumer Protection -- House Health & Human Resources Committee

***House Bill No. 520** -- Managed Care Organizations -- House Commerce Committee

***House Bill No. 521** -- Ethics -- Caption Bill Held on House Desk

House Bill No. 522 -- Health -- House Commerce Committee

House Bill No. 523 -- Rutherford -- Local Bill Held on House Desk

House Bill No. 524 -- Gibson County -- Local Bill Held on House Desk

House Bill No. 525 -- Divorce and Annulment -- House Children and Family Affairs Committee

House Bill No. 526 -- County Officers -- House State & Local Government Committee

House Bill No. 527 -- Pensions and Retirement Benefits -- House Education Committee

***House Bill No. 528** -- Pensions and Retirement Benefits -- House Finance, Ways & Means Committee

House Bill No. 529 -- Real Estate Agents and Brokers -- House Commerce Committee

House Bill No. 530 -- Highways, Roads and Bridges -- House Transportation Committee

House Bill No. 531 -- Utilities, Utility Districts -- House State & Local Government Committee

***House Bill No. 532** -- Pensions and Retirement Benefits -- House Education Committee

***House Bill No. 533** -- Police -- House State & Local Government Committee

***House Bill No. 534** -- Taxes, Income -- House Finance, Ways & Means Committee

House Bill No. 535 -- Tort Liability -- House Judiciary Committee

House Bill No. 536 -- Aged Persons -- House State & Local Government Committee

CONSENT CALENDAR

House Resolution No. 11 -- Memorials, Recognition and Thanks - TVA, stable rates for ten years. by *Boyer, *Burchett, *Dunn, *Armstrong, *Tindell, *Bittle, *Ritchie.

House Joint Resolution No. 34 -- Memorials, Death - Kewen Campbell "K.C." Dodson. by *Sands, *Walker.

House Joint Resolution No. 36 -- Memorials, Death - State Representative Dederick "Teddy" Withers. by *Cooper, *Towns.

House Joint Resolution No. 35 -- Memorials, Public Service - Leon H. Shoulders, Sumner County Commission. by *McDonald, *Stamps, *Bone.

House Bill No. 228 -- Polk County - Subject to local approval, imposes privilege tax upon consumers participating in amusements for which admission fees charged. Amends Chapter 2 of the Private Acts of 1981. by *Newton. (SB184 by *Miller J)

Senate Joint Resolution No. 23 -- Memorials, Death - Dr. I.B. Beale. by *Springer.

Senate Joint Resolution No. 24 -- Memorials, Professional Achievement - Paul Rogers, fortieth year of ministry. by *Springer.

Senate Joint Resolution No. 25 -- Memorials, Death - Jim Satterfield, Trousdale County Superintendent of Schools. by *Rochelle, *Davis L, *Springer, *Harper, *Burks.

Senate Joint Resolution No. 26 -- Memorials, Personal Occasion - Alton and Elberta Cowan, sixtieth anniversary. by *Rochelle.

Senate Joint Resolution No. 27 -- Memorials, Death - Dewitt Rollins. by *Rochelle, *Davis L.

Senate Joint Resolution No. 28 -- Memorials, Death - Bob Lowery. by *Rochelle, *Burks.

Senate Joint Resolution No. 29 -- Memorials, Recognition and Thanks - Donald Hosse. by *Wilder.

Senate Joint Resolution No. 30 -- Memorials, Death - Kenneth Owen. by *Springer.

Senate Joint Resolution No. 31 -- Memorials, Death - Jerry Nelson. by *McNally.

Senate Joint Resolution No. 33 -- Memorials, Recognition and Thanks - Sara Lay Cole. by *Wilder.

Rep. Rhinehart moved that all members voting aye on **House Joint Resolution No. 34** be added as co-prime sponsor which motion prevailed.

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

House Bill No. 228: by Rep(s). Hargrove and Ritchie

Under the rules, House Bill No: 228 was/were placed at the foot of the calendar for February 12, 1997.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	99
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

BILLS WITHDRAWN

On motion of Rep. Walley, **House Bill No. 283** was recalled from the Judiciary Committee and withdrawn from the House.

On motion of Rep. Walley, **House Bill No. 405** was withdrawn from the House.

RULES SUSPENDED

Rep. Walker moved that the rules be suspended for the purpose of passing House Bill No. 287 out of order, which motion prevailed.

House Bill No. 287 -- Dayton - Revises charter relative to elections of council members and composition of city school board. Amends Chapter 46 of the Private Acts of 1953. by *Walker.

On motion, House Bill No. 287 was made to conform with Senate Bill No. 254; the Senate Bill was substituted for the House Bill.

Rep. Walker moved that Senate Bill No. 254 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	99
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Hargrove moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 47 out of order, which motion prevailed.

Senate Joint Resolution No. 47 -- General Assembly, Joint Conventions - Calls joint convention on Wednesday, February 12, 1997, for purpose of honoring Charles W. Burson, Attorney General of State of Tennessee. by *Cohen.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. Hargrove, the resolution was concurred in.

A motion to reconsider was tabled.

REPORT OF RULES COMMITTEE

On motion of Rep. Hargrove, the House of Representatives of the One Hundredth General Assembly adopted the following as the Permanent Rules of Order of the Tennessee House of Representatives, which motion prevailed.

PERMANENT

RULES OF ORDER

of the

TENNESSEE

HOUSE OF REPRESENTATIVES

One-Hundredth General Assembly

1. SPEAKER TO CONVENE HOUSE. At the hour to which the House shall have been adjourned, the Speaker shall proceed to the dais and announce that the House is in session in accordance with the adjournment motion previously made. The Speaker shall then call the House to order and, after appropriate opening ceremonies, call for the regular order of business, beginning with a roll call to determine that a quorum is present. A quorum of the House of Representatives shall be as defined by the Constitution of the State of Tennessee: "Not less than two-thirds of all the members to which each house shall be entitled shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized, by law, to compel the attendance of absent members." Article 2, Section 11, Constitution of the State of Tennessee.

2. SPEAKER TO PRESERVE ORDER. The Speaker shall preserve order and decorum and may speak to points of order in preference to other members. The Speaker will have the authority to set the guidelines for decorum.

3. OTHER DUTIES OF SPEAKER. The Speaker shall supervise the preparation of the daily Journal and shall have general direction of the Representative Chamber in accordance with the authority granted under the Rules of the House.

4. ORDER IN GALLERY OR LOBBY. In case of any disturbance or disorderly conduct in the gallery or lobby, the Speaker or the Chair of the Committee of the Whole shall have power to order the same to be cleared.

5. FORMS OF QUESTIONS. Questions shall be put directly in this form: "Representatives in favor of (then state the proposition) say 'Aye' and, after the affirmative will be expressed, "Representatives who are opposed, say 'No'." If the Speaker doubt, or a roll call be requested, as provided in Rule 29, a roll call vote shall be taken.

6. SPEAKER TO APPOINT COMMITTEES. The Speaker shall appoint all committees, unless otherwise directed by the House, in which case they shall be elected by a vote of the House; and if, upon the first ballot, there be no election, a second ballot shall be taken, in which a plurality of votes shall elect. The Speaker shall, in appointing committees, give consideration to the abilities, preferences and seniority of the members and the political party representation in the House. No member shall be appointed to serve on more than two (2) standing committees, exclusive of the Committee on Calendar and Rules. Provided, however, for purposes of the 100th General Assembly, as many as fifteen (15) members may be appointed to serve on the Children and Family Affairs Committee, as well as to serve on two other standing committees.

7. SPEAKER TO APPOINT COMMITTEE OFFICERS. The Speaker shall appoint one (1) chair, one (1) vice-chair, and one (1) secretary for each of the standing committees and for the Committee on Calendar and Rules. Any officer of any committee, with the approval of the Speaker, may choose to be a member of only one (1) committee. In appointing committee officers, the Speaker shall consider the abilities, preferences and seniority of members and the political party representation in the House.

8. SPEAKER PRO TEMPORE. A Speaker pro tempore of the House of Representatives shall be elected by the membership of the House during the organizational session of the General Assembly. The Speaker pro tempore shall serve until a successor is chosen or until the expiration of such speaker's term, whichever shall first occur. The Speaker pro tempore shall act during the absence of the Speaker, except that the Speaker shall have the right to name any member to perform the duties of the Chair for a period not to exceed one (1) legislative day. In the absence of the Speaker and the Speaker pro tempore, it shall be the duty of the Clerk to call the House to order and call the roll for the election of a temporary Speaker. In the event of an interim vacancy of the office of Speaker, through death or resignation, or in the event of disability of the Speaker, the Speaker pro tempore shall conduct the necessary business of the House only until such time as an election can be held in the House to fill the vacancy.

9. CHIEF CLERK. There shall be a Chief Clerk of the House of Representatives who shall be appointed by the Speaker and who shall serve until a successor is chosen. The Chief Clerk shall keep open the Office of the Clerk during and between sessions of the General Assembly on a permanent basis and shall transact efficiently such business as is assigned or required by law or rules of the House, both during and between sessions. The Chief Clerk shall take an oath to support the Constitution of the United States and of the State of Tennessee and to truly and faithfully discharge the duties of the office to the best of such clerk's knowledge and ability.

10. APPOINTMENT OF HOUSE OFFICERS. The Speaker shall appoint such employees as clerks, sergeant-at-arms, pages, and other House employees as are necessary for the proper transaction of the business of the House.

11. VOTES REQUIRED FOR CHOICE. In all votes other than those specifically provided for herein, a majority of those present and voting shall be necessary to a choice, a quorum being present.

12. ORDER OF BUSINESS. The reading of the daily Journal for the preceding day shall not be required; provided, however, that upon appropriate motions, the House may direct that the same be read. Any corrections in the Journal shall be suggested by individual members under the order of Unfinished Business.

After appropriate opening ceremonies, the Speaker shall call for the following:

- (1) Roll Call
- (2) Personal Orders
- (3) Introduction of Resolutions
- (4) Senate Joint Resolutions
(Congratulatory, Memorializing)
- (5) Resolutions Lying Over
- (6) Introduction of Bills
- (7) Senate Bills on First
Consideration
- (8) Senate Bills on Second Consideration
- (9) House Bills on Second Consideration
- (10) Petitions and Memorials
- (11) Reports from Standing Committees
- (12) Reports from Select Committees
- (13) Calendars
- (14) Unfinished Business
- (15) Announcements
- (16) Roll Call

13. SPECIAL ORDER. It shall require an affirmative vote by two-thirds (2/3) of the members to which the House is entitled under the Constitution to set a special order of business; however, when a motion has been made to set for a special order any bill, resolution, or motion, the motion having failed for lack of a two-thirds majority but having received a majority vote of the members of the House present, it shall be in order, upon the demand of five (5) members of the House, for the Committee on Calendar and Rules to meet and report for the adoption or rejection by a majority vote of the House a rule or order fixing a time for the consideration of said bill or measure. It shall require a majority vote of the members of the House to postpone any special order set.

14. NUMBER OF SPECIAL ORDERS PERMISSIBLE WITHOUT RE-REFERRAL.

After a bill has been scheduled for third consideration, the sponsor of any bill or resolution may before the House request another date for third consideration, and the bill or resolution shall be so scheduled, however, the sponsor of any bill or resolution shall only have the right to make such a request three (3) times on any particular bill or resolution. If the House does not consider the bill or resolution on or before the fourth such scheduled time, the bill or resolution shall be automatically re-referred to the Committee on Calendar and Rules.

15. PETITIONS AND MEMORIALS - BRIEF STATEMENT. Before any petition or memorial addressed to the House shall be received and read at the table, a brief statement of the contents of the petition or memorial shall be filed with the Chief Clerk.

16. SYSTEM ENTRY CODE. Before any bill or resolution can be accepted by the Chief Clerk for the purpose of pre-filing and assigning a number, or any committee amendment or any other amendment in the first degree can be accepted for the purpose of attaching it to a bill, the document in question shall have a system entry code affixed thereto by the Office of Legal Services.

17. RESOLUTIONS. Resolutions shall be pre-filed with the Office of the Chief Clerk by 4:00 p.m. for introduction the following day and referral to the appropriate standing committee. However, all congratulatory and memorializing resolutions shall automatically be introduced the day of filing or the first legislative day thereafter and placed on the next Consent Calendar in accordance with Rule No. 50.

Joint resolutions calling for joint conventions shall be referred by the Speaker to a committee consisting of the Speaker, the Majority Leader and the Minority Leader for immediate consideration. The committee shall report its recommendations concerning the proposed joint convention to the House.

18. DUTIES OF MEMBERS TOWARD SPEAKER. No member shall be recognized by the Speaker unless the member addresses the chair from such member's desk. In all cases the member who shall first rise shall be entitled to speak first; but when two (2) or more members shall rise at the same time, the Speaker shall name the member who shall speak first.

When any member is about to speak in debate or deliver any matter whatever to the House, such member shall rise, and respectfully address the chair and await the notice of the Speaker. After recognition by the Speaker, the member shall proceed with making remarks which strictly conform to the question under debate and avoid all personalities.

19. TRANSGRESSION OF RULES BY MEMBER. Any member who, in speaking or otherwise, transgresses the Rules of the House, the Speaker shall, or any other member may, call such transgressing member to order, in which case the member so called to order shall immediately sit down, unless permitted to explain; and the House shall, if appealed to, decide the case without debate. If there be no appeal, the decision of the Chair shall prevail. If the decision be in favor of the member called to order, such member shall be permitted to proceed, without leave of the House. If otherwise, such member shall not be permitted to proceed. In case any member objects and continues, without leave of the House, and if the case require it, such member shall be liable to the censure of the House.

20. ATTENDANCE OF MEMBERS REQUIRED. No member shall be absent from service in the House without leave first obtained; and in case a less number than the quorum of the House shall convene, the Speaker is hereby authorized to send the Sergeant-at-Arms, or any other person or persons, for any or all absent members. This shall be done at the expense of such absentees, respectively, unless such excuse for nonattendance shall be rendered as the House, when a quorum is convened, shall deem sufficient.

21. TIME LIMITS OF DEBATE. Each member shall be limited to fifteen (15) minutes in such member's opening remarks and shall be limited to ten (10) minutes in rejoinder in discussion upon the floor of the House, EXCEPT by a majority of the members present, the House may increase or decrease the limitations of time herein set out for debate on a particular bill, resolution or motion.

22. PERSONS ADMITTED ON FLOOR OF HOUSE. The Sergeant-at-Arms shall admit no person into the House Chamber thirty (30) minutes prior to and during any session except members of the General Assembly, employees of the House as designated by the Speaker of the House, employees of the Senate as designated by the Speaker of the Senate, employees of the Office of Legal Services, employees of the Office of Legislative Information Services, Fiscal Review Committee staff, as designated by the Speaker of the House, members of the Capitol Hill Press Corps as designated by the chair of the Corps and approved by the Speaker of the House, and the Chaplain and the Physician of the Day. All visitors and spectators shall have access to the gallery so long as they preserve order.

23. EVERY MOTION MUST BE SECONDED. Every motion must be seconded by some member of the House other than the proponent of the motion and upon failure of a second, the Speaker shall declare the motion failed for lack of a second.

24. MOTION REDUCED TO WRITING. The Speaker may require any motion to be reduced to writing and placed on the desk of the Clerk.

25. WHAT MOTION DEBATABLE. All motions shall be subject to debate except the following motions:

- (1) To adjourn
- (2) Lay on the table
- (3) For the previous question

Provided, however, the proponent of any motion sought to be tabled shall have the right to be heard after the motion to table is made and before said motion to table is put to vote.

26. PRECEDENCE OF MOTIONS. When any question or motion is under debate in the House, the following motions only shall be in order and may be entertained by the Speaker:

- (1) To adjourn
- (2) To lay on the table
- (3) For the previous question
- (4) To postpone to a day certain
- (5) To commit or recommit
- (6) To amend

Each of said motions shall take precedence in the order set out herein.

27. NO MOTION TO ADJOURN UNTIL FURTHER BUSINESS. When a motion to adjourn shall have been made and failed, the Speaker shall not entertain another motion to adjourn until some business has been transacted since the last motion to adjourn was voted upon.

28. WHEN MOTION NOT TO BE ENTERTAINED BY SPEAKER. After the Speaker has submitted a question or after there has been a roll call or count of the House, the Speaker shall not entertain or recognize a member on a point of personal privilege or otherwise until a decision of the House has been declared by the Chair. At any other time, a member may rise to a point of personal privilege but such member shall confine such remarks to questions affecting the rights, reputation and conduct of the member in such member's official capacity, and shall not address remarks to any question germane to substantive matters being considered.

29. DEMAND OF ROLL CALL. Any question or motion (except final passage of a bill) may be put to the House by a voice vote at the discretion of the Speaker; provided, however, that, as required by the Constitution of Tennessee, any five (5) members of the House may require a roll call of the membership of the House and said members desiring a roll call shall indicate their desire by raising their hands. All votes taken upon final passage on third consideration of a general bill and all votes taken on demand by any five (5) members as provided for shall be taken by the electronic roll call system, provided that the Speaker may require the calling of the names of the members in alphabetical order and each member shall then answer "Aye" or "No" when such member's name is called by the Clerk without debate. Whenever the electronic roll call system is used, the Clerk shall preserve the record of the votes of the members by making the printed roll call as authenticated by the roll call system a part of the rough journal. All members casting votes by the electronic roll call machine shall be at their proper desks at the time for voting with the exception of the Speaker and sponsor moving passage of the bill under consideration. In the event the electronic roll call system is inoperative, all questions shall be put to the House by voice vote or by calling the roll as circumstances may require.

30. EXPLANATION OF VOTE. Any member may have written into the Journal an explanation of such member's vote on any particular motion, resolution, or bill by presenting to the Clerk an appropriate explanation in typewritten form.

31. CHANGE OF VOTE. Any member's vote on a roll call vote may be changed if such member requests such change before the result of the roll call is announced by the Speaker. After the result of the roll call is announced by the Speaker, no member may change such vote and the Journal entry shall not be altered. However, any member not voting at the time the roll call was taken, or any member voting on the original question but wishing to express a desire to change such member's original stand, may, have entered on the Journal a typewritten statement of support of or opposition to the question upon which the vote was taken.

32. APPEALS TO HOUSE ON RULINGS OF SPEAKER. Any five (5) members of the House may appeal to the House from the ruling of the Speaker and a majority vote of the members present shall decide the appeal.

No member shall speak more than twice on the appeal except with the permission of the majority of the members present.

33. WHO MAY ADDRESS SPEAKER. No one may address the Speaker except a member of the House.

34. DIVISION OF QUESTION IN DEBATE. If the question in debate contains several points, any member may have the same divided; but no bill shall be divided on third and final consideration.

35. OTHER PAPERS. When the reading of a paper is called for and the same is objected to by any member, it shall be decided by a vote of the House without debate. Distribution of other papers to the desks of the members can only be accomplished upon request of a member of the House and must reflect the name of the requesting member.

36. PREVIOUS QUESTION. The previous question shall only be admitted when demanded by two-thirds (2/3) of the members present. It may be applied to the main question, the main question and amendment, or to the main question and amendment to the amendment. If the question prevails on the main motion, its effect shall be to preclude all future amendments and terminate all debate. The proponent of the motion, amendment, resolution or bill shall have the right to close the debate thereon, and no call for the previous question shall cut off this right. However, when the demand for the previous question has been made and rejected under the foregoing provision but received a majority vote of the members of the House, it shall be in order, upon the demand of any five (5) members of the House, for the Committee on Calendar and Rules to meet and fix or limit the time in which debate on said question shall be closed, which decision shall be binding upon all membership of the House.

37. TABLED MOTION - HOW REMOVED, ETC. When any bill, resolution, or motion is laid on the table by a vote of the House, it shall require a two-thirds (2/3) vote of those members present to take it from the table; but it shall require only a majority of the votes (a quorum being present) to lift from the table a vote rejecting a bill, resolution, or a motion.

38. BILLS DISPLACED BY SUBSTITUTION TABLED. When a bill has been substituted for another bill, the bill displaced by the substitution shall be considered as tabled.

39. WHEN BILL OR RESOLUTION FAILS TO RECEIVE CONSTITUTIONAL MAJORITY. When any bill or resolution is voted upon, but fails to receive a constitutional majority, the same shall be automatically re-referred to the Committee on Calendar and Rules. Any bill so re-referred during the final seven (7) days of the session shall not be again placed on the calendar for consideration during that session unless called for by a favorable vote of two-thirds (2/3) of the members to which the House is entitled under the Constitution, in which case it shall be placed in the next available position on the calendar for a succeeding day. However, no bill or resolution may be voted on more than twice during this General Assembly.

40. MOTION TO RECONSIDER FOLLOWING FINAL PASSAGE. When a vote on final passage of a bill has been made and carried in the affirmative or negative, it shall be in order for any member voting with the prevailing side to move for a reconsideration thereof, at any time the same day or the next succeeding day of actual session. If the member moving the reconsideration shall request that motion be entered upon the Journal, it shall be done, and such member shall have exclusive control of the motion during that day and the next succeeding day of actual session; providing the motion has been duly seconded; and the motion shall be a privileged motion, taking precedence, when called up, over all other business. Thereafter, it may be called up by any member and disposed of by the House; however, no motion to reconsider a reconsideration shall be in order. No motion to reconsider shall be placed upon the Journal during the last seven (7) legislative days of any annual session.

41. NO CROWDING ABOUT CLERK'S DESK. Members shall not crowd or stand about the Clerk's desk.

42. WHO ALLOWED IN ROOMS OF CLERKS. No persons other than members and employees of the General Assembly shall be allowed in the offices of the Chief Clerk and Chief Engraving Clerk during the period the House is in floor session.

43. INFORMATION REQUIRED ON COVERS OF BILLS AND RESOLUTIONS. Every bill or resolution introduced shall be typewritten on not less than a full page of paper, in original and one copy and the copy shall have the following statement on the cover: "I certify that the within bill (resolution) is a true copy of the original which was introduced this date.

Date

Signature."

MONDAY, FEBRUARY 10, 1997 -- FIFTH LEGISLATIVE DAY

Each bill or resolution and all copies shall be enclosed in manuscript covers and shall bear the signature(s) of the sponsor(s) on said covers and said covers shall also contain a succinct statement of the purpose or nature of said bill or resolution.

No member shall be permitted to be added as a sponsor to a bill or resolution without the written permission of the first prime sponsor; provided, however, if a piece of legislation purports to name a public facility (bridge, building, etc.), the member who represents the district in which said facility lies shall be allowed to be added as a prime sponsor. Only the first prime sponsor may request that a bill be put on notice. However, the first prime sponsor may designate in writing, filed with the office of the house clerk, such other prime sponsor(s) who shall have all the rights of the first prime sponsor as to action on a bill.

The Chief Clerk shall delete the name of any member who is not the only prime sponsor from any bill or resolution upon receipt of such request in writing.

When a member introduces a bill or resolution, the Clerk shall immediately give the same a House number. The copy shall remain on file with the Clerk's Office.

44. FILING OF BILLS FOR INTRODUCTION.

(a) Bills which have not been assigned a system entry code by the Office of Legal Services shall not be accepted for filing or pre-filing by the Office of the Chief Clerk.

(b) All bills for introduction shall be filed with the Chief Clerk no later than 4:00 p.m. on the day preceding the date of introduction.

(c) In the interim between sessions, any member of the House may pre-file a bill or resolution for introduction in the next session and the procedure shall be as follows:

(1) The bill or resolution shall be filed with the Chief Clerk of the House by the member in the number and form prescribed by the Rules of the House.

(2) The Chief Clerk shall number the bill or resolution and note thereon the date of the first day of the next session, on which the bill or resolution will be introduced and, in the case of bills, will pass first consideration.

(3) After written request of the sponsor of a pre-filed bill or resolution, the Speaker of the House may refer the bill or resolution to the appropriate committee to be studied and considered by the committee, or a subcommittee thereof, during the interim between sessions.

45. BILLS TO BE NUMBERED. Each bill introduced shall be numbered in numerical order by the Clerk and said bill shall bear said number and be designated by said number in all future considerations of the same in the House. No bill shall be assigned a number by the Clerk or be referred by the Speaker to a committee for consideration unless it contains a title or caption; an enacting clause stating, "Be it enacted by the General Assembly of the State of Tennessee;" and language following the enacting clause purporting to state new law or to amend or repeal existing law. Further, no bill that has not been assigned a system entry code by the Office of Legal Services shall be accepted or numbered by the Office of the Chief Clerk.

46. ONE CONSIDERATION PER DAY'S SESSION. Only one (1) consideration of a bill may be had in the House in any day's session.

47. SECOND CONSIDERATION - REFERRED TO COMMITTEE. After the passage of a bill on second consideration, all general bills shall be referred by the Speaker to the appropriate committee. Any bill certified by its sponsor to be a caption bill or which is deemed so by the Speaker, shall receive first and second consideration and then shall be held on the Clerk's desk pending the filing of an amendment in proper form. After the filing of the amendment, the bill shall be referred by the Speaker to the proper committee.

48. LOCAL BILLS TO COMMITTEE - WHEN. Local bills may be referred by the Speaker to appropriate committees if, in the discretion of the Speaker, the nature and effect of said local bills shall require it. Other local bills, after having received the authorization of the local legislative delegation, shall automatically be placed on the Consent Calendar in accordance with Rule No. 50.

49. DUTIES OF COMMITTEE ON CALENDAR AND RULES CONCERNING CALENDAR. All bills having been considered and reported out of the standing committee to which referred shall be automatically transmitted to the Committee on Calendar and Rules without further reference by the Speaker; and no bill of general nature shall be considered for third and final passage until a written calendar, from the Committee on Calendar and Rules, giving notice of such bill, has been posted in a regular place in the House Chamber at least forty-eight (48) hours prior to such consideration. Not more than twenty-five (25) general bills shall be placed on the calendar for final consideration on any one (1) day, and this number shall include any bills carried over from previous calendars or any bills set for special order. Should the House not complete any day's calendar, all bills remaining unconsidered shall go to the top of the calendar on the next day that general bills are considered, provided that only so many of the said bills shall be carried over as will not cause the total to be considered on that day to exceed the aforesaid limit. Any bills remaining to be carried over in excess of that number shall be placed at the head of the calendar on a succeeding day or days, within the daily maximum of twenty-five (25). The foregoing maximum limitation on bills for daily consideration may be suspended by the Committee on Calendar and Rules by a two-thirds (2/3) vote of the total membership of said committee.

50. CONSENT CALENDAR. Any bills or resolutions which are not controversial in nature shall be placed on a Consent Calendar by the officers of the Committee on Calendar and Rules, except for those resolutions placed on the Consent Calendar pursuant to Rule No. 17. The Consent Calendar shall be printed and posted in a regular place in the House Chamber at least seventy-two (72) hours in advance of the time for such consideration.

Any member may object in writing to a bill or resolution on the Consent Calendar and if objection is raised, the bill or resolution shall be removed from the Consent Calendar and placed at the foot of the regular calendar for consideration on the day following removal from the Consent Calendar; provided, however, that any bill or resolution objected to and removed from the Consent Calendar on the final day of a session shall be placed at the foot of the regular calendar on that day.

Upon a motion for passage of the Consent Calendar pursuant to Rule 50, the appropriate language shall be spread in the Journal:

"all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in."

51. SPONSOR OF BILL AND CHAIR OF STANDING COMMITTEE PROPOSING AMENDMENT TO BILL MUST BE PRESENT. No bill may be considered on third and final reading unless the sponsor of said bill and the chair, or the chair's designee, of a standing committee which has recommended any amendment or amendments to the bill shall be present in the House, unless such sponsor or chair shall have previously indicated in writing to the Speaker permission for same to be brought up in such member's absence. However, if such sponsor, the chair or the chair's designee is not present in the House within one (1) hour from the time the bill is reached on the calendar, or the calendar is completed, this requirement is waived and the House may proceed to consider the bill in the absence of such sponsor, the chair or the chair's designee.

52. SUBSTITUTE SPONSOR OF BILL. Upon the death or disability requiring the absence from the House of any sponsor of a bill, the Speaker may name one (1) of the cosigners of said bill as sponsor, and if only one (1) person shall have signed said bill as sponsor, and said sponsor becomes unable to be present in the House, the Speaker may name any person favorable to said bill as sponsor.

53. RECALL OF BILL FROM COMMITTEE. Except during the organizational session, after any bill or other matter shall have been in any committee for seven (7) days, the same may be called for by two-thirds (2/3) of the members to which the body is entitled under the Constitution and placed upon the calendar of the House. Such action shall be in order only after a signed notice giving the number of the bill to be called for has been filed with and announced by the Clerk at least one (1) day prior to offering a motion to withdraw said bill from the committee in which it is held. When a bill has been recalled from a committee to which it was assigned

by the Speaker or from the Committee on Calendar and Rules, it shall be placed at the top of the calendar on the next day on which general bills are considered. Should such a bill be recalled from committee in the manner provided above on the final day of a session, it shall then be placed at the foot of the calendar on that day.

54. RECALL OF BILL OR RESOLUTION FROM SENATE OR GOVERNOR.

Upon motion, the House acting by the written message of the Clerk may request the return of a bill or resolution from the Senate. If a bill has been transmitted to the Governor, upon motion, the forwarding body acting by written message of the Clerk may request the return of the bill or resolution from the Governor.

55. BILL MAY BE RECOMMITTED. After commitment and report thereof to the House, at any time before its passage, a bill may be recommitted, provided the recommitment of the bill during the last seven (7) days of a session shall prohibit further consideration of the bill during that session unless recalled under Rule 53.

56. PRECEDENCE OF SENATE BILLS. Bills coming from the Senate shall have precedence of bills in the House on the same subjects.

57. CERTIFIED BY CLERK. When a bill shall pass it shall be certified by the Clerk, noting the day of its passage at the foot thereof.

58. BILLS TO BE EXAMINED BY CHIEF ENGROSSING CLERK. All bills passed in the House shall, before they are sent to the Senate, be examined by the Chief Engrossing Clerk, whose duty it shall be to examine all bills, amendments, resolutions or motions, before they go out of the possession of the House, and to make report that they are correctly engrossed, which report shall be entered in the Journal. The Chief Engrossing Clerk shall correct any misspelled words in such documents prior to transmission.

59. CONCURRENCE OF HOUSE IN SENATE AMENDMENTS. When a House bill is returned from the Senate with an amendment or a substitute for the House bill, the "ayes" and "noes" shall be called for on the concurrence in the amendment or the passage of the substituted bill and entered on the Journal of the House. No said amendment or substituted bill shall be considered as concurred in or passed unless a majority of the members to which the House is entitled shall have voted affirmatively therefor and the said vote shall have been entered on the Journal. Any measure coming from the Senate with an amendment or a substitute for the House bill shall lie over one (1) day except on the final two (2) legislative days of a session.

No measure coming from the Senate with an amendment or any other Senate action requiring House concurrence or non-concurrence shall be acted on by the House until the Chief Clerk has announced that the measure has been returned from the Senate requiring further action by the House. This announcement shall be made on the legislative day prior to consideration of the measure by the House under the order of unfinished business except during the final four (4) legislative days of the session. The Chief Clerk will see that an impact summary of the Senate action on the measure as prepared by the Office of Legislative Information Services is placed

on a special Senate Message Calendar to be printed and placed on the members' desks on the legislative day immediately following the announcement. The impact summaries will appear in numerical order regardless of the nature of the measure.

60. AMENDMENTS TO BILLS. No amendment beyond the second degree shall be entertained, that is, an amendment to an amendment; and in all such cases, the vote on the respective amendments shall be had in the reverse order in which the same were made.

61. TABLING OF AMENDMENT KILLS SAME. When a motion to lay on the table an amendment, in the first or second degree, to a pending bill, resolution or other matter, prevails, it shall be a final defeat of the tabled amendment, and the further consideration of such bill, resolution, or other matter, may be at once continued.

62. NO RIDER. No amendment by way of a rider shall be received.

63. MOTION TO REJECT. When a bill receives a constitutional majority in the negative on a motion to pass on third and final consideration, or when a resolution receives a constitutional majority in the negative on a motion to adopt or concur on final consideration, the Speaker, after the announcement of the vote by the Clerk, shall say "(document type and number), having received a constitutional majority in the negative on a motion to pass on third and final consideration (or adopt or concur), I hereby declare the floor now open for a motion to reject." If a member makes the motion to reject, that motion and the bill or resolution in question will lie over the remainder of that legislative day and the Speaker will direct the Chief Clerk to place the bill or resolution in question at the heel of the regular calendar set for the next legislative day.

When a bill or resolution is considered on the next legislative day, no other motion shall be in order until the motion to reject has been disposed of and the Speaker has declared the final status of the bill or resolution in question. If the motion to reject passes, the Speaker, after the announcement of the vote by the Clerk, shall say "(document type and number), having received a constitutional majority in the negative on the motion to pass on third and final consideration (or adopt or concur), and having received a constitutional majority in the affirmative on the motion to reject, I hereby declare (document type and number) rejected under the terms set forth in Article II, Section 19, of the Constitution of the State of Tennessee."

If no motion to reject is made, or if a motion to reject is made and fails to receive a constitutional majority, the Speaker shall re-refer the bill or resolution in question to the Committee on Calendar and Rules.

If the motion to reject as provided for in this rule is passed, then (a) pursuant to Article II, Section 19, Tennessee Constitution, no bill containing the same substance shall be passed into a law during this General Assembly, and (b) the motion to reconsider shall be out of order.

Motions to reject shall not be in order except as provided above.

64. MOTION TO RECONSIDER EVERY BILL MUST BE ACTED UPON. The Clerk shall transmit to the Senate no bill, resolution, message, report, amendment, or motion nor shall the Chief Engrossing Clerk present any bill or resolution to the Governor for his action until the motion to reconsider shall have been acted upon and said action entered on the Journal.

65. STANDING COMMITTEES. There shall be the following standing committees, each of which the Speaker and the Speaker Pro Tempore shall be voting members, to wit:

- (1) Agriculture
- (2) Children and Family Affairs
- (3) Commerce
- (4) Conservation and Environment
- (5) Consumer and Employee Affairs
- (6) Education
- (7) Finance, Ways and Means
- (8) Government Operations
- (9) Health and Human Resources
- (10) Judiciary
- (11) State and Local Government
- (12) Transportation

Provided, however, the Speaker Pro Tempore shall only vote when the Speaker is not present and voting, except on those two (2) standing committees to which the Speaker Pro Tempore has been regularly assigned.

There shall be a committee on Calendar and Rules to be composed of the Speaker, the Speaker Pro Tempore, the Majority Leader or such leader's designee, the Majority Caucus Chair, the Minority Leader or such leader's designee, the Minority Caucus Chair, two members each of the majority and minority parties appointed by and to serve at the pleasure of the Speaker, one (1) chair, one (1) vice chair, and one (1) secretary appointed by the Speaker under House Rule 7; and the chair of each standing committee listed above. It shall set the calendar and establish hours and places of meeting of the various standing committees. In establishing the hours and places of meeting of the various standing committees, the Committee on Calendar and Rules shall, insofar as possible, establish regular meeting times and days which shall avoid conflict among the various standing committees. No standing committee shall have more than thirty (30) appointed members. No member shall serve on more than two (2) standing committees, exclusive of the Committee on Calendar and Rules, the Joint Legislative Services Committee, and the Fiscal Review Committee, except the Speaker and the Speaker Pro Tempore who shall be voting members of all standing committees as stated in the rule (65). Provided, however, as set out in Rule 6, for purposes of the 100th General Assembly, as many as fifteen (15) members may be appointed to serve on the Children and Family Affairs Committee, as well as to serve on two other standing committees.

66. NO SPECIAL COMMITTEES - WHEN. No special committee shall be appointed for any purpose when there is a standing committee on the same subject.

67. MEETING OF COMMITTEES - WHEN. No committee of this House shall remain in session during the sessions of the House, unless by permission of a majority of members present. All committee meetings, except meetings held when the House is in recess or adjourned, shall be announced in open session by the Chair, and the time and place of meeting shall be designated at the same time and shall conform with the schedule established by the Committee on Calendar and Rules under House Rule 65. Committee meetings held on days when the House is in recess or adjourned shall be announced in open session or by written notice, furnished to each member of the House not less than seventy-two (72) hours prior to the meeting time. Committee meetings may be called by the Chair of the Standing Committee, upon approval by the Speaker of the House when the House is in recess or adjourned and shall be called by the Committee Chair when petitioned in writing, signed by a majority of the members of the Committee.

68. COMMITTEE OF WHOLE. In forming a Committee of the Whole, the Speaker shall leave the chair, and the Speaker shall appoint a Chair of the Committee of the Whole to preside.

69. PROCEEDINGS IN COMMITTEE OF THE WHOLE. Upon a bill being committed to a Committee of the Whole, the bill shall be read throughout by the Clerk, if demanded by any member, and then again read and debated by clauses, leaving the preamble to be last considered. The body of the bill shall not be defaced or interlined; but all amendments, noting the page and the line, shall be duly entered by the Clerk on a separate paper, as the same shall be agreed to by the Committee, and so reported to the House. After report, the bill shall again be debated and amended by clauses before its final passage. The rules of the House shall be observed in Committee of the Whole so far as applicable, but no member shall speak twice to any question until every member choosing to speak shall have spoken.

70. AMENDMENTS IN COMMITTEE OF WHOLE. All amendments made to a report committed to a Committee of the Whole shall be noted and reported, as in the case of bills.

71. AMENDMENTS IN STANDING COMMITTEES AND BILLS INITIATED BY STANDING COMMITTEES. The standing committees may initiate legislation as a committee in addition to acting upon legislation referred to such standing committees. Such legislation initiated by the committee shall be introduced by the chair or the chair's designee and such other members of the committee as may wish to join therein.

When a standing committee recommends a bill for passage only with the adoption of an amendment or amendments approved by a majority vote of the standing committee, the committee chair shall cause such committee amendment or amendments to be prepared in proper typewritten form and filed with the Chief Clerk of the House. Bills reported out of standing committees with committee

amendments cannot be considered by the Committee on Calendar and Rules unless the committee amendment is attached thereto. No committee amendments shall be accepted by the Chief Clerk for filing unless said amendment is labeled with a system entry code assigned by the Office of Legal Services. The Chair of said standing committee shall cause said committee amendment to be prepared and filed with the Chief Clerk within twenty-four (24) hours from the time the bill was reported out. The preceding two (2) sentences shall not apply to the General Appropriations Bill.

No later than twenty-four (24) hours prior to the time the bill recommended for amendment is scheduled for consideration on the floor of the House, the Chief Clerk shall cause the recommended amendment or amendments to be reproduced and a copy to be placed upon the desk of each member of the House. After the bill has been explained and its passage moved by the sponsor, the chair of the standing committee recommending the amendment, or chair's designee, shall then be recognized for the explanation of and debate on such amendment or amendments. It shall be the responsibility of the Chief Clerk to ensure that the foregoing procedures are observed in the consideration of amendments recommended by standing committees. It shall also be the responsibility of the Chief Clerk to denote clearly that such amendment or amendments were recommended in a standing committee and to write on the face of the amendment the committee which made the recommendation and the date on which the recommendation was made.

72. FISCAL MEASURES. Any bill or resolution having a fiscal effect of \$100,000.00 or more shall be referred to the Committee on Finance, Ways and Means after consideration by the appropriate standing committee. The Committee on Finance, Ways and Means may offer committee amendments relating to fiscal concerns only, and shall not offer amendments relating to other substantive portions of the bill. If the Committee on Finance, Ways and Means recommends the bill or resolution for passage, the bill or resolution shall be referred to the Committee on Calendar and Rules. No bill or resolution having a fiscal effect of \$100,000.00 or more shall be put upon final passage until the same has been referred to and recommended by the Committee on Finance, Ways and Means.

Should a standing committee recommend a bill for passage with an amendment or amendments which create a fiscal effect of \$100, 000.00 or more then, the chair of the standing committee shall refer the bill along with the recommended committee amendment or amendments to the Committee on Finance, Ways and Means.

Should a floor amendment or amendments to a bill be adopted which cause a bill to have a fiscal effect of \$100, 000.00 or more and the bill not have been previously considered by the Committee on Finance, Ways and Means, then the bill shall be automatically referred from the floor to the Committee on Finance, Ways and Means.

73. CONFERENCE COMMITTEES. A motion for the appointment of a conference committee shall be in writing and shall state the purpose or purposes for which the committee is created. Every conference committee report shall refer to the motion by which the committee was created and shall set forth the instructions contained therein followed by the recommendations of the committee which shall conform to such motion and its instructions. No report of a conference committee or any part thereof shall be adopted and incorporated into pending legislation unless the same shall have received the affirmative vote of a majority of the members to which the House is entitled under the Constitution and a motion to reconsider shall have been acted upon and entered on the Journal.

74. CHANGE AND SUSPENSION OF RULES. The rules of the House may be altered, amended, or suspended by a two-thirds (2/3) vote of the members to which the House is entitled; a motion to alter or amend, but not suspend, the rules shall in all cases lie over one (1) day. This rule (Rule 74) may not be suspended on motion to alter, amend, or suspend the rules. A motion to suspend the rules shall be for a stated purpose and subsequent suspension of the rules shall be limited to that stated purpose.

75. ADJOURNMENT. Adjournment shall be to the hour of 12:30 p.m. on the following day unless otherwise specified by the majority of those members present and voting. During the last two (2) weeks of a session, the House shall convene at 9:00 a.m., recess at 12:00 noon, reconvene at 2:00 p.m., and adjourn on or before 7:00 p.m., unless otherwise specified by a two-thirds (2/3) vote of those present and voting.

76. ENTER RULINGS. The Clerk of the House shall enter on the Journal all rulings by the Speaker on points of order. The Clerk or any member may request that the Speaker submit such ruling in writing at the close of the day on which the ruling was made.

77. ACTION ON BILLS INTRODUCED AFTER 10th DAY. Any general bill introduced after the tenth (10th) legislative day the House convenes for the transaction of business in any regular legislative session, shall be prefiled for introduction and referred to the delayed bills committee. If approved by unanimous consent of the delayed bills committee, the bill shall be introduced.

Any bill prefiled but not receiving unanimous consent of the delayed bills committee may be called for by two-thirds (2/3) majority of the members to which the body is entitled under the Constitution, in which case it shall be introduced.

The Delayed Bills Committee shall consist of the Speaker, the Majority Leader, and the Minority Leader and shall meet at the call of the Speaker.

78. VETO. Upon receipt of a veto message and return of a bill or resolution from the Governor, or a receipt of a message from the Senate advising the House that a bill or joint resolution has been passed by the Senate, the Governor's veto to the contrary notwithstanding, the Clerk shall read the message and cause the same to be spread at large upon the Journal. Thereafter, the sponsor of the bill or

resolution may, upon twenty-four (24) hours typewritten notice and within three (3) legislative days after the filing of said notice, except the last legislative day of any annual session such notice shall not be required, move the House under the item of Unfinished Business to pass the bill or resolution, notwithstanding the objections of the Executive. If the motion shall prevail by a favorable vote of a majority of the members to which the House is entitled under the Constitution, the bill or joint resolution shall then be transmitted to the Senate unless the same was originally received from the Senate subsequent to its prior approval.

Nothing in this rule shall serve to prohibit the filing of subsequent notices to move the House to pass the bill or resolution, notwithstanding the objections of the Executive, if affirmative action is not taken on the motion first noticed.

79. MASON'S MANUAL OF LEGISLATIVE PROCEDURE TO GOVERN. If any question shall arise which is not provided for in these rules, the same shall be governed by Mason's Manual of Legislative Procedure (latest edition existing on date of adoption of these rules), which is hereby adopted.

COMMITTEE RULES

of the

HOUSE OF REPRESENTATIVES

80. UNIFORM RULES OF COMMITTEES.

(1) The Chair, after advising with the vice chair and secretary, shall set the calendars for hearings before the standing committee, taking into consideration the necessity and importance of the legislation before the committee. Those bills and resolutions requested by the sponsors to go on the calendars shall first be placed on the calendars, provided that the chair, after advising with the vice chair and secretary, shall set the calendar for hearings on a reasonable number of bills or resolutions at each committee meeting. The requests by sponsors for their bills to be heard in the standing committees shall be filed with the standing committee or subcommittee as soon as practicable, but not later than 3:00 p.m. (CST) on the Wednesday preceding the next regularly scheduled meeting of the standing committee. The chair, after advising with the vice chair and secretary, shall have the authority to set on the calendars additional bills or resolutions not requested by the sponsors if, in the opinion of such officers, a reasonable number of measures has not been set for hearing. The standing committee shall electronically transmit the committee calendar (bills to be heard) for its next regularly scheduled meeting as early as practicable but not later than 4:30 p.m. (CST) on the same day. The Clerk's office shall publish these calendars as early as possible on the day following so that the sponsor of each bill or resolution scheduled for hearing shall be notified.

These notice provisions shall not apply to a bill or resolution transmitted by a standing committee to the Committee on Calendar and Rules for recommendation.

(2) Prior to any scheduled standing committee meeting, the sponsor of any bill or resolution scheduled for hearing before said standing committee may request in writing that the chair of the standing committee set another hearing date, and the bill or resolution shall be rescheduled for hearing.

No bill or resolution can be considered in a standing committee without a sponsor as reflected in the House Journal.

Should the sponsor of a bill or resolution fail to appear before the standing committee when the bill or resolution has been scheduled two (2) times for a hearing, then the bill or resolution shall be returned to the desk of the Clerk of the House. After a bill or resolution has been sent back to the Clerk's desk, the sponsor of the legislation may appeal to the Speaker to re-refer the proposed legislation; and the Speaker shall have the discretion as to what action shall be taken.

(3) All bills or resolutions not considered controversial in nature may be placed on the committee consent calendar by the chair, after advising with the vice chair and secretary, provided the sponsor does not object. Any member of the standing committee may object to bill or resolution placed on the Committee Consent Calendar, and if objection is raised, the bill or resolution shall be removed from the Committee Consent Calendar and thereafter shall be acted upon by the standing committee.

The Committee Consent Calendar shall be printed and posted in regular places at least seventy-two (72) hours in advance of the time set for consideration of such calendar so that each member of the House may know the status of the legislation pending before the standing committee.

(4) Standing committees of the House shall meet at the times and places specified in the official committee schedule adopted pursuant to House Rule 65.

(5) A standing committee may hold a special committee meeting with approval of the Speaker at a time and place other than that specified in the official schedule of committee meetings. All special meetings, except meetings held when the House is in recess or adjourned, shall be announced in open session by the chair of the committee. Special meetings held on days when the House is in recess or adjourned shall be announced in advance in open session or by written notice furnished to each member of the House not less than seventy-two (72) hours prior to the meeting time.

(6) If a regular scheduled meeting of a standing committee is canceled, the chair shall announce such cancellation in open session of the House prior to the time fixed for the meeting if possible. If it is not possible for the chair to announce such cancellation in open session, all members of the House shall be given written notice or shall direct the committee staff to make every effort to notify each member of the committee and any other members of the House likely to have business before the committee of such cancellation.

(7) A quorum shall consist of a majority of the members of a given standing committee.

(8) Committee meetings shall be open to the public at all times unless the business of the committee concerns itself with matters of national or state security or the investigation of a proposed impeachment, which, in each separate instance, shall be determined by a three-fourths (3/4) majority of the committee members present and voting.

(9) When a standing committee recommends a bill for passage only with the adoption of an amendment or amendments approved by a majority vote of the standing committee, the committee chair shall cause such committee amendment or amendments to be prepared in proper typewritten form and filed with the Chief Clerk of the House as soon as is practicable. The amendment or amendments should be properly designated as having been recommended in committee and should be signed by the committee chair or the chair's designee before being presented to the Chief Clerk who shall then observe the rules of the House in causing such amendment or amendments to be printed and distributed to all members of the House. No committee amendments shall be accepted by the Chief Clerk for filing unless said amendment is labeled with a system entry code assigned by the Office of Legal Services. The Calendar and Rules Committee shall not consider any bill recommended by a standing committee until any amendment or amendments adopted by the standing committee have been attached to the bill. The chair shall be responsible for having such amendments delivered within twenty-four (24) hours in typewritten form to the Chief Clerk, who shall attach such amendments to the bill.

(10) No bill or resolution shall be reported from a standing committee unless it shall have received a recommendation for passage as written or for passage with a recommended amendment by a majority of those members of the committee present and voting thereon, a quorum being present. All votes constituting final action on any bill or resolution shall be by roll call vote, and a roll call vote shall be taken at the request of the sponsor of the bill or resolution under consideration or at the request of any three (3) members of the committee. Every bill or resolution reported out of the committee shall contain on the cover a notation in ink, signed by the chair, or other presiding officer, recommending the measure for passage as written or recommending it for passage with an amendment or amendments recommended by the committee. If a motion to recommend a bill or resolution has been voted on by a standing committee two (2) times and has failed to pass, then the same shall not be considered by the committee again during that annual session. This rule shall also apply to the Committee on Calendar and Rules.

(11) A written report of the action taken in reporting bills or resolutions out of committee shall be prepared under the direction of the committee chair and submitted promptly together with the bills and resolutions and committee amendments, if any, to the Chief Clerk of the House.

MONDAY, FEBRUARY 10, 1997 -- FIFTH LEGISLATIVE DAY

(12) The Chief Clerk shall be responsible for the safe delivery of bills to any meeting of the committee and for their return following the meeting but may delegate such responsibility to one of the Chief Clerk's Office staff.

(13) A standing committee chair may create such continuing or ad hoc subcommittees as the chair considers necessary and appropriate to deal with designated subjects within the scope of the subject jurisdiction of the committee. But there shall be no more than four standing subcommittees in each standing committee. No ad hoc committee shall have the power to kill a bill. The committee chair shall appoint members to any subcommittee so authorized and shall name the chair thereof, however no such subcommittee shall have fewer than five (5) members.

A subcommittee of a standing committee shall have authority to consider only such bills, resolutions, or subjects as may be assigned to it by the standing committee which created it. Such a subcommittee shall report only to the standing committee chair unless directed otherwise by the House. No subcommittee may meet while the standing committee of which it is a part is in session without the consent of the standing committee.

If the chair of a standing committee deems it appropriate after advising with the vice chair and secretary, to assign a bill to a subcommittee, said bill must be assigned to such subcommittee within five (5) legislative days after its passage on second consideration and referral to standing committee, or following the receipt of a fiscal note if said bill is referred to the committee on finance, ways and means unless otherwise provided by law.

If the chair of a standing committee deems it appropriate, after advising with the vice chair and secretary, to assign a bill or resolution which has been referred to it after recommendation for passage by another standing committee to a subcommittee, said bill must be assigned to such subcommittee within seven (7) calendar days of its receipt.

When a bill or resolution is assigned to a subcommittee by the chair of a standing committee, the subcommittee chair, the sponsor, the chief clerk, and the director of legislative information services shall be notified electronically by the chair of the assignment, of said bill, the date of assignment, and the name of the subcommittee.

The request of the sponsor for a bill or resolution to be heard by a committee or subcommittee shall be filed with the standing committee. The chair of the standing committee shall electronically notify the chair of the subcommittee that the sponsor has requested the bill or resolution to be heard. The chair of said subcommittee shall set and publish the date and the calendar of bills to be heard and shall electronically and by printed calendar notify the sponsor of bills or resolutions to be heard, the chief clerk, and the director of the Office of Legislative Information Services.

MONDAY, FEBRUARY 10, 1997 -- FIFTH LEGISLATIVE DAY

The chair of the standing committee or the subcommittee shall provide copies of the calendar and electronic notice of bills to be heard to the chief clerk and the director of legislative information services.

An electronic report of the action taken by a subcommittee on each bill or resolution which it considers shall be prepared by the chair of said subcommittee and submitted to the chair of the standing committee, the chief clerk, and the director of the Office of Legislative Information Services.

When a bill or resolution is reported from a subcommittee, said bill or resolution shall be placed by the chair of the standing committee on the calendar of the next scheduled meeting of the standing committee unless the sponsor of said bill or resolution requests in writing that the chair of the standing committee set another hearing date.

At any time after a bill or resolution has been acted upon by a subcommittee any member of the standing committee may move to recall the bill or resolution from the subcommittee by presenting the motion in writing to the committee chair. The motion shall be scheduled to be heard at the beginning of the standing committee's next meeting, provided the notice is timely filed under Rule 80(1) so it can be printed on the committee calendar. If the motion carries by a majority of the members entitled to vote at a meeting of the committee then the bill or resolution shall be placed on calendar for the next meeting of the committee. No such motion shall be considered during the final meeting of a committee during a session.

(14) A motion to reconsider any committee action shall be determined by a majority of the committee members entitled to vote at a meeting of the committee. It shall be treated as a simple motion to reconsider, and its effect shall be the same.

(15) No proxy votes shall be permitted in a standing committee for any purpose.

(16) The vote of the chair of a standing committee shall be recorded in the manner and time as any other member of the committee.

(17) If a member of a standing committee will be unable to attend said meeting, that member shall request an excused absence from the chair. If any appointed member of a standing committee is absent from two (2) regularly scheduled meetings of the committee without being excused by the chair, the chair shall report such absences to the Speaker of the House.

(18) In the absence of a quorum, the chair or other presiding officer shall have authority to direct the Sergeant-at-Arms to secure the presence of a sufficient number of members to constitute a quorum.

(19) In the absence of any express designation or appointment of any officers of a joint committee or joint subcommittee, the members thereof shall elect a chair and such other officers as are considered necessary by the committee.

MONDAY, FEBRUARY 10, 1997 -- FIFTH LEGISLATIVE DAY

(20) All committee minutes shall reflect attendance of members. Members shall be paid in accordance with the provisions of the law governing payment of per diem allowance to members of the General Assembly. The chair of each standing committee is charged with the duty and responsibility of providing and certifying to the Speaker the roll call vote of such committee and a listing of those sponsors appearing before the committee seeking action on their bills or resolutions.

(21) Except as stated in the foregoing rules, the Rules of Order of the House of Representatives shall apply. Other special rules shall not be adopted by committees.

A motion to reconsider was tabled.

ANNOUNCEMENTS

Speaker Naifeh announced that he had appointed the following members to the Committee on Calendar and Rules: Representatives Walley and Haley as the Republican designees and Pruitt and Garrett as the Democratic designees.

ROLL CALL

The roll call was taken with the following results:

Present 99

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

RECESS MOTION

Rep. Hargrove moved that the House stand in recess, pursuant to Senate Joint Resolution No. 13, to meet with the Senate in Joint Convention at 6:00 p.m., after which the House recessed until 2:00 p.m., Wednesday, February 12, 1997.